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VILLAGE OF BLOOMINGBURG
COUNTY OF SULLIVAN

-----X

ZONING BOARD OF APPEALS MEETING

PUBLIC HEARING CONTINUED

IN THE MATTER OF:

MELECH KRAUS: 31 North Road (SBL 201.-4-10)
Site Plan Change/Add apartment to basement
converting to 2-family residence.

ESTER FRIED: 54-56 Main Street (SBL 203.-1-18)
Site Plan Change/Change of Use from Warehouse
to Retail.

-----X

DATED: December 17, 2018
Bloomingburg, New York
7:04 p.m. - 7:43 p.m.

BARBARA ULBRICH, Reporter

MINUTES

OF

ZONING BOARD OF APPEALS MEETING

Mary T. Babiarz Court Reporting Service

845-471-2511

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APPEARANCES :

ZONING BOARD OF APPEALS MEMBERS :

- ISRAEL FLEISCHMAN, Chairman
- CHAIM FRIEDMAN, Member
- JIM JOHNSON, Member
- MOSHE GANCZ, Member
- MOSHE FRIED, Member
- BENZIO MARKOWITZ, Alternate

* * * * *

- ALEX SMITH, ESQ.
- TOM DEPEW, Town Engineer
- AL DODD, Building Inspector

1 PROCEEDINGS

2 CHAIRMAN FLEISCHMAN: Okay.
3 Let's start with the Pledge of
4 Allegiance.

5
6 (Whereupon, the Pledge of
7 Allegiance was recited.)

8
9 CHAIRMAN FLEISCHMAN: Good
10 evening. Approve the minutes from
11 the November meeting. From what I
12 understand, we are going to do the
13 minutes.

14 I have a motion to approve
15 the minutes.

16 MR. GANCZ: I'll second it.

17 CHAIRMAN FLEISCHMAN: All in
18 favor?

19 MEMBERS OF THE BOARD: Aye.

20 CHAIRMAN FLEISCHMAN: The
21 minutes have been approved.

22 Public hearing, Melech
23 Kraus, 31 North Road SBL 201.-4-10,
24 site plan change, add apartment to
25 basement converting to two-family

PROCEEDINGS

1
2 residence.

3 Is the applicant here?

4 Please give a brief overview
5 for the public.

6 MR. KRAUS: Okay. The
7 property is located at 31 North.
8 It's an existing one family, and we
9 are converting it to a two family
10 bringing the basement to a separate
11 apartment.

12 I believe we supplied the
13 Zoning Board with an EIF and the
14 site plan was to add additional
15 parking spots according to village
16 code. I'll provide you with
17 pictures.

18 CHAIRMAN FLEISCHMAN: We
19 have the pictures.

20 MR. KRAUS: It shows
21 existing parking spaces that we
22 have in the back.

23
24 (Whereupon, sotto voce
25 discussion ensued.)

1 PROCEEDINGS

2 CHAIRMAN FLEISCHMAN: I went
3 to see the property the other day.
4 Very nice big basement, windows all
5 sides, means of egress, nice
6 parking lot in the back.

7 MR. GANCZ: There's existing
8 parking for four cars already?

9 MR. KRAUS: No. There's
10 two, but we are going to add -- to
11 make place for four.

12 MR. GANCZ: So the one over
13 here is space and these two are
14 being added.

15 CHAIRMAN FLEISCHMAN: No,
16 opposite.

17 MR. GANCZ: Opposite. This
18 is --

19 MR. KRAUS: The dotted one
20 is being added.

21 MR. JOHNSON: So I take it
22 it has a means of egress? It has
23 its own door?

24 MR. KRAUS: Yeah, of course.

25 MR. JOHNSON: So you don't

PROCEEDINGS

1
2 have to go down? It has its own
3 door on the outside of the house?

4 CHAIRMAN FLEISCHMAN: It is
5 street -- it is level.

6 MR. JOHNSON: Okay.

7 CHAIRMAN FLEISCHMAN: You
8 can see in the pictures it is
9 street level.

10 MR. JOHNSON: Okay. Yeah, I
11 mean as long as the building
12 inspector -- (indiscernible
13 cross-talk) -- and everything is
14 legal, I don't have a problem with
15 it.

16 MR. SMITH: Jim, I made the
17 resolution subject to building
18 department permits and COs and --

19 MR. JOHNSON: Okay. For me,
20 it's just a safety thing.

21 Whatever passes code and the
22 building department wants --

23 (interrupted) --

24 CHAIRMAN FLEISCHMAN: We
25 start with declaring lead agency?

1 PROCEEDINGS

2 MR. SMITH: Well, you don't
3 have to. I checked it out and
4 that's why I put the resolution --
5 (indiscernible cross-talk) -- in a
6 type-two action you don't need the
7 -- (indiscernible cross-talk) --
8 the whole thing.

9 CHAIRMAN FLEISCHMAN: So we
10 declare it as a type-two action --
11 (interrupted) --

12 MR. JOHNSON: And that
13 has --

14 CHAIRMAN FLEISCHMAN: --
15 according to SEQOR?

16 MR. JOHNSON: -- a that has
17 -- that's a garbage pick up? A
18 pick up in front of the house? The
19 big garbage cans so there's no
20 dumpster or anything, or will there
21 be a dumpster?

22 MR. KRAUS: Like, regular
23 residential.

24 MR. JOHNSON: Okay. So two
25 barrels. As long as it's ample

PROCEEDINGS

1
2 garbage and it's not overflowing --
3 (interrupted) --

4 MR. KRAUS: Of course.

5 MR. JOHNSON: -- I'm okay
6 with that.

7 CHAIRMAN FLEISCHMAN: Thank
8 you. So now I will make a motion
9 to open the public hearing.

10 MR. FRIED: I'll make it.

11 CHAIRMAN FLEISCHMAN: All in
12 favor?

13 MEMBERS OF THE BOARD: Aye.

14 MR. FRIEDMAN: You need a
15 second.

16 CHAIRMAN FLEISCHMAN: What?

17 MR. FRIEDMAN: You need a
18 second.

19 CHAIRMAN FLEISCHMAN: Second
20 for the motion?

21 MR. FRIEDMAN: I'll second
22 it.

23 CHAIRMAN FLEISCHMAN: Anyone
24 from the public would like to speak
25 about this application for 31 North

PROCEEDINGS

1
2 Street?

3 MR. KAHRs: Is the
4 multi-family -- the use of
5 multi-family within the zoning
6 allowed by zoning?

7 CHAIRMAN FLEISCHMAN: It's
8 an accessory apartment, just one.

9 MR. SMITH: It's an unusual
10 feature. I've never really seen
11 anything like this in my travels.

12 MR. KAHRs: So my question
13 is to the Board, sir.

14 So the Board -- so that --
15 as a board member, you're running
16 the show today. So it's -- you
17 said it's an accessory apartment,
18 but it's actually going to change
19 this to a multi-family, or an
20 accessory apartment?

21 CHAIRMAN FLEISCHMAN: The
22 code -- the definition for
23 accessory apartment says that it's
24 allowed to add a separate dwelling.

25 MR. JOHNSON: I mean, we

1 PROCEEDINGS

2 have -- I know there's a -- we have
3 multiple two-family homes in the
4 village.

5 MR. KAHRs: Right, but
6 this --

7 MR. JOHNSON: I don't know
8 of any that are grandfathered in.
9 I guess that's --

10 CHAIRMAN FLEISCHMAN: No.
11 It's in the code. I looked it up.

12 MR. SMITH: I was going
13 to say something, but --
14 (interrupted) --

15 MR. KAHRs: The zoning
16 allows for this type of --

17 CHAIRMAN FLEISCHMAN: Yeah,
18 according to the zoning --

19 MR. JOHNSON: Well, I'm
20 asking you.

21 MR. SMITH: Okay. You have
22 an unusual use in this village; you
23 have an accessory apartment, which,
24 in a sense, does not make it --
25 according to your zoning does not

1 PROCEEDINGS

2 make it multi-family. It may be a
3 two-family in the eyes of New York
4 State code, but you allow one
5 accessory apartment to a
6 single-family residence in your
7 code, and this meets the definition
8 of that accessory apartment to the
9 letter.

10 CHAIRMAN FLEISCHMAN: Other
11 villages call it mother and
12 daughter.

13 MR. SMITH: Well, most
14 places call it a two family, zoned
15 two family.

16 MR. KRAUS: The way I read
17 the code, I read it as there's one
18 primary, and then you can have
19 additional accessories.

20 MR. SMITH: One accessory.

21 MR. KRAUS: It doesn't say
22 one.

23 MR. SMITH: In a
24 single-family house you --
25 (interrupted) --

1 PROCEEDINGS

2
3 (Whereupon, multiple people
4 were talking at the same time.)

5
6 MR. KAHR: So does this
7 accessory-type dwelling allow
8 for -- or is it a separate -- is it
9 a single -- in the eyes of the tax
10 assessment, is it a single-family
11 dwelling?

12 MR. JOHNSON: Will it have
13 multiple electric meters?

14 MR. KRAUS: It's up to the
15 building code.

16 MR. JOHNSON: I mean, will
17 each tenant be responsible for
18 their own bill?

19 MR. KRAUS: Probably, yeah.

20 MR. JOHNSON: Okay.

21 MR. KRAUS: It's up to the
22 owner to decide.

23 MR. JOHNSON: So a third one
24 would be, did they install for
25 common lighting and common, you

1 PROCEEDINGS

2 know -- (interrupted) --

3 MR. KRAUS: I guess I'll
4 talk to the owner and see how he
5 wants to do it.6 MR. JOHNSON: Such as a
7 water pump. There's going to be
8 one water pump. So a third meter
9 would have to be put in, so that's
10 a two-family; am I right?11 MR. SMITH: Well, under the
12 State code, yes. Under your code
13 it's called an accessory apartment.14 MR. KAHS: I imagine that
15 will be used in every possible
16 opportunity it could ever be used
17 in this village.18 So another questions is:
19 What's the planned apartment size?
20 How many bedrooms?21 CHAIRMAN FLEISCHMAN: Two
22 bedrooms.23 MR. KAHS: Does that meet
24 the requirements? A two bedroom?
25 Does that meet the requirements for

1 PROCEEDINGS

2 square footage allowed?

3 CHAIRMAN FLEISCHMAN: Every
4 bedroom has a means of egress, so.5 MR. KAHRs: So you have a
6 kitchen, you have a living area,
7 and you have two bedrooms. Does
8 the square footage available meet
9 the requirements of State code?10 MR. KRAUS: Of course. It's
11 a State code, not a village code.12 MR. KAHRs: Well, I
13 understand that, but it doesn't
14 mean that it's going to be enforced
15 or done. So my question is --16
17 (Whereupon, multiple people
18 were talking at the same time.)19
20 MR. KRAUS: -- the building
21 inspector.22 MR. KAHRs: So my question
23 is -- to the Board is that -- I
24 mean, you guys are the Planning,
25 slash, Zoning Board, right?

1 PROCEEDINGS

2 CHAIRMAN FLEISCHMAN: Hm-mm.

3 MR. KAHRs: So aside from
4 the -- you're going to give this
5 approval for an accessory
6 apartment, if you will, but are you
7 even looking at the amount of
8 square footage that you're allowed
9 to use per bedroom or even
10 occupancy -- (interrupted) --

11 CHAIRMAN FLEISCHMAN: --
12 (indiscernible) --

13 MR. KAHRs: -- so they
14 applied for a two-bedroom apartment
15 downstairs?

16 CHAIRMAN FLEISCHMAN: I have
17 the exact square footage if you
18 need it?

19 MR. KAHRs: It's 1,006
20 square feet. I don't ask a
21 question unless I already know the
22 answer.

23
24 (Whereupon, multiple people
25 were talking at the same time.)

1 PROCEEDINGS

2
3 MR. SMITH: -- no, like I
4 said, the resolution is subject to
5 all -- (interrupted) --

6 MR. KAHRs: Yeah.

7 MR. SMITH: -- building code
8 -- (interrupted) --

9
10 (Whereupon, multiple people
11 were talking at the same time.)

12
13 MR. SMITH: -- state codes.
14 It's going to be exclusively
15 subject to that.

16 MR. KAHRs: So since the
17 Village no longer -- my last
18 question, sorry.

19 So since the Village no
20 longer has a Planning Board, they
21 are using the Zoning Board of
22 Appeals. Have any of the five of
23 you that are currently here present
24 accomplished or completed the New
25 York State mandated training to be

1 PROCEEDINGS

2 a member of this Board?

3 CHAIRMAN FLEISCHMAN: I did.

4 MR. FRIEDMAN: I did as
5 well.6
7 (Whereupon, multiple people
8 were talking at the same time.)9
10 MR. KAHRs: -- the Zoning
11 Board of Appeals or a Planning
12 Board?13 CHAIRMAN FLEISCHMAN: It's
14 the same training for both.15 MR. KAHRs: Okay. And you
16 accomplished it?

17 CHAIRMAN FLEISCHMAN: Yes.

18 MR. KAHRs: Okay.

19 MR. JOHNSON: I got my
20 certificate.21 CHAIRMAN FLEISCHMAN: Anyone
22 else from the public that would
23 like to speak?

24 (No response.)

25 I'll make a motion to close

1 PROCEEDINGS

2 the public hearing.

3 MR. GANCZ: I'll make it.

4 MR. FRIED: I'll second it.

5 CHAIRMAN FLEISCHMAN: All in
6 favor?

7 MEMBERS OF THE BOARD: Aye.

8 CHAIRMAN FLEISCHMAN: Let's
9 take a vote on it.10
11 (Whereupon, sotto voce
12 discussion ensued.)13
14 CHAIRMAN FLEISCHMAN: Thank
15 you.16 Do you want to read the
17 resolution?18 MR. SMITH: Whereas Melech
19 Kraus, the applicant, applied for
20 site plan approval to construct an
21 accessory apartment in the basement
22 of a one-family residential
23 dwelling located at 31 North Road,
24 SBL 201-4-10, the property, located
25 in a single-family residential

1 PROCEEDINGS

2 district R-1, which is permitted in
3 the R1 with site plan approval and
4 whereas the applicant has
5 demonstrated in his application
6 that the proposed basement
7 apartment meets the definition of
8 accessory apartment as set forth in
9 section 2.1 of the Village zoning
10 law in whereas village engineer
11 Thomas Depew determined in a
12 memorandum dated December 10th,
13 2018 that no variances are required
14 prior to the approval of the site
15 plan.

16 And whereas the Village
17 referred the applicant's
18 application to the Sullivan County
19 Planning Department pursuant to
20 General Municipal Law section
21 239-M, and whereas the Planning
22 Department responded that the
23 application was a matter for local
24 determination, and whereas pursuant
25 to the provisions of the New York

PROCEEDINGS

1
2 SEQR regulations at 9 NYCRR
3 section 617.5C9, the application is
4 a Type II action under SEQR and not
5 subject to SEQR review.

6 In whereas, a public hearing
7 was held by the Zoning Board of
8 Appeals on December 17th, 2018 in
9 the Village of Bloomingburg, New
10 York, and whereas the set hearing
11 of all those who desired to be
12 heard were heard and their
13 testimony recorded.

14 And whereas upon review of
15 all information submitted, the
16 Village Zoning Board of Appeals has
17 determined that the application
18 meets the criteria for granting a
19 site plan approval to permit the
20 construction of an accessory
21 apartment in the basement of the
22 property, and therefore be it
23 resolved by the Village of
24 Bloomingburg Zoning Board of
25 Appeals as follows.

PROCEEDINGS

1
2 One, the Village Zoning
3 Board of Appeals hereby adopts the
4 aforesaid recitation as the
5 findings of fact and or law.

6 Two, the Zoning Board of
7 Appeals finds that the application
8 for site plan approval for the
9 construction of an accessory
10 apartment in the basement of the
11 property comply under the --
12 actually, strike that retail store
13 comment -- that was just a typo --
14 complies with all requirements of
15 Village Zoning Law 11.4.

16 Three, the Board further
17 finds that the proposed accessory
18 apartment will be in harmony with
19 the appropriate and orderly
20 development of the district in
21 which it is situated, and will not
22 be detrimental to the orderly
23 development of adjacent properties
24 in accordance with the zoning
25 classifications of such properties.

1 PROCEEDINGS

2 Four, the Board further
3 finds that the proposed accessory
4 apartment will not unreasonably or
5 adversely affect the enjoyment or
6 value of nearby properties, nor
7 will it interfere with the public
8 health, safety or welfare.

9 Five, the Board hereby
10 grants applicant's application for
11 site plan approval for construction
12 of an accessory apartment in the
13 basement of the property as shown
14 on the plans contained in the
15 application subject to the
16 following conditions: A, issuance
17 of appropriate building permits and
18 certificates of occupancy by the
19 village code enforcement officer;
20 B, compliance with field conditions
21 imposed by the village code
22 enforcement officer.

23 CHAIRMAN FLEISCHMAN: Can we
24 have a motion to adopt the
25 resolution?

1 PROCEEDINGS

2 MR. FRIEDMAN: I would like
3 to make that motion.

4 CHAIRMAN FLEISCHMAN: Second?

5 MR. GANCZ: I'll second it.

6 CHAIRMAN FLEISCHMAN: All in
7 favor?

8 MEMBERS OF THE BOARD: Aye.

9 CHAIRMAN FLEISCHMAN:
10 Resolution passed. Thank you.

11 Next we have --
12 (indiscernible) -- will recuse
13 himself and Mr. Markowitz, our
14 alternate, will replace.

15
16 (Whereupon, Mr. Markowitz
17 replaced Mr. Fried.)

18
19 CHAIRMAN FLEISCHMAN: We
20 have a public hearing for Ester
21 Fried, 54-56 Main Street, Site Plan
22 change, change of use from
23 warehouse to retail.

24 Is the applicant present?
25

1 PROCEEDINGS

2 (Whereupon, the applicant
3 came forward.)

4
5 CHAIRMAN FLEISCHMAN: Please
6 give the public an overview of what
7 you're trying to do.

8 MS. FRIED: Okay.
9 Basically, I want to open a
10 hardware housewares store being
11 that there is none in the area, and
12 everything is at least a 10 to 15
13 minute drive or further.

14 Basically the best space
15 that I found was 54-56 Main Street.
16 Currently, it's a warehouse, and
17 I'd like to change it to retail
18 space.

19 I did give in the plans for
20 the parking and indoor. I'd like
21 to make the storefront of the
22 outside according to the retail
23 store and the inside site plan of
24 the -- (indiscernible) --

25 And, basically, it's not big

PROCEEDINGS

1
2 enough -- since there's another
3 warehouse in the back, the side
4 will be used -- the side parking
5 lot will be used for the back.
6 That's why I put the parking in the
7 front.

8 And I know it really needs
9 16 to 17 parking, but there's only
10 space for 9. So I would like to
11 ask for a variance for that.

12 And, basically, that's it.

13 MR. JOHNSON: Are you the
14 building owner? Are you the land
15 owner?

16 MS. FRIED: No.

17 MR. JOHNSON: Okay. You're
18 just representing who?

19 MS. FRIED: I'm going to --
20 I'm leasing it from the landlord.

21 MR. JOHNSON: You're not the
22 tenant then?

23 MS. FRIED: I'm going to be
24 the tenant, yes.

25 MR. JOHNSON: You're going

1 PROCEEDINGS

2 to be the --

3 MS. FRIED: Yes.

4 MR. JOHNSON: -- tenant.

5 Okay.

6 CHAIRMAN FLEISCHMAN: Anyone
7 on the Board have any questions of
8 this?9 MR. JOHNSON: I don't have a
10 question. I have a statement.

11 CHAIRMAN FLEISCHMAN: Okay.

12 MR. JOHNSON: This -- you
13 know, we took this class, and in
14 this particular class they pounded
15 it in our head about Sullivan
16 County beautification. And what I
17 mean by that is as the Planning and
18 Zoning Board -- or for both in this
19 case -- we are allowed to ask for
20 shrubbery, trees, sidewalks,
21 cobblestone sidewalks, parking lot
22 lighting, street lighting, stone,
23 mulch, fencing, earth-tone colors,
24 and signs.

25 So as a Board here, to make

PROCEEDINGS

1
2 Sullivan County better -- or the
3 Village of Bloomingburg -- we can
4 ask for a lot of stuff, and we
5 should not hesitate to do that.

6 In your case there, I know
7 the dumpster is always an eyesore.
8 So I'd like to see a fence around
9 that. That's just one little thing
10 that I'd like to do. And lighting
11 is a big thing.

12 I noticed that we have a lot
13 of bright LED lighting. We are
14 allowed to ask for down lighting,
15 or in the case of a sign, not the
16 lighting inside the sign glaring
17 out, but lighting on -- that sticks
18 out and illuminates the sign so it
19 doesn't glare.

20 MS. FRIED: Okay. So,
21 actually, my husband was at that
22 meeting --

23 MR. JOHNSON: Yeah.

24 MS. FRIED: -- and I think
25 it's actually a law that in

PROCEEDINGS

1
2 Sullivan County you're not allowed
3 to have bright lighting.

4 MR. JOHNSON: Right. Well,
5 across from me they just put up --
6 in your building -- they just -- it
7 lights my living room right up.
8 It's a small door light, but it
9 lights my living room up and I
10 don't need a nightlight.

11 Those are the type of things
12 that --

13 MR. FRIEDMAN: You can thank
14 us for that.

15 MR. JOHNSON: -- we can ask
16 for, you know, as far as toning
17 things down. And we can, kind
18 of --

19 MS. FRIED: Now, based on --

20 MR. JOHNSON: -- build a
21 foundation right here.

22
23 (Whereupon, multiple people
24 were talking at the same time.)
25

PROCEEDINGS

1
2 MS. FRIED: -- based on the
3 survey -- the space -- that's what
4 we do in -- (interrupted) --

5 MR. JOHNSON: Right.

6 MS. FRIED: -- the space for
7 the sidewalk, actually, does not
8 belong to the building, which --
9 (interrupted) --

10 CHAIRMAN FLEISCHMAN: It's a
11 beautiful sidewalk -- and it's
12 beautiful sidewalks over there.

13 MS. FRIED: No, there isn't
14 a sidewalk, but it does belong to
15 the -- (interrupted) --

16 MR. JOHNSON: Right, right,
17 right.

18 MS. FRIED: So I don't
19 think -- (interrupted) --

20 MR. JOHNSON: But I'm
21 talking about -- we as a Board
22 here -- we can say -- we can ask
23 for a fence or even shrubbery to
24 hide some of the parking, and
25 that's really not out of -- out

1 PROCEEDINGS

2 of -- (interrupted) --

3 MR. GANCZ: Context.

4 MR. JOHNSON: -- it is
5 something that they encourage us to
6 do. So I'm -- (interrupted) --7 MR. MARKOWITZ: Hide some of
8 the parking?

9 MR. JOHNSON: What's that?

10 MR. MARKOWITZ: Hide some of
11 the parking?12 MR. JOHNSON: Oh,
13 absolutely.14 MR. MARKOWITZ: Since
15 it's -- it's a -- (interrupted) --16 MR. JOHNSON: It makes it
17 friendly. You heard that, right?
18 It makes it friendly.19 MR. MARKOWITZ: It's a
20 retail store, so it has to be a
21 friendly -- (interrupted) --22 MR. JOHNSON: I'm just
23 throwing some ideas. I'm not
24 picking on this job, but I think as
25 a Board we need to start thinking

PROCEEDINGS

1
2 about this.

3 MR. MARKOWITZ: But a retail
4 store has to be open to the --
5 (interrupted) --

6 MR. JOHNSON: Not every case
7 it works, but they want to please
8 the eye of the tourists, and
9 that's --

10
11 (Whereupon, multiple people
12 were talking at the same time.)

13
14 MS. FRIED: But isn't it a
15 little contradictory when you're
16 trying to hide it when you are
17 trying to have big glass windows?
18 Isn't that contradicting?

19 MR. JOHNSON: Well, you
20 know -- (interrupted) --

21 MS. FRIED: Making me make
22 big windows?

23 MR. JOHNSON: But maybe on
24 the side. Maybe on the side.

25 MS. FRIED: But the side

PROCEEDINGS

1
2 parking lot is going to be for the
3 back, so that's why --

4 (interrupted) --

5 MR. JOHNSON: Well, there's
6 -- there's -- you know, I'm not
7 saying to put in shrubbery. I'm
8 just saying that I want to start --

9
10 (Whereupon, multiple people
11 were talking at the same time.)

12
13 MR. JOHNSON: -- being a
14 commercial business, I would like
15 to start --

16
17 (Whereupon, multiple people
18 were talking at the same time.)

19
20 MR. FRIEDMAN: Honestly, I
21 don't know -- I don't see the
22 reason why we would -- why -- if
23 it's in the code, then it's in the
24 code, but it says that she's going
25 to have to make big windows. If

PROCEEDINGS

1
2 it's going to be covered by
3 shelving and stuff, I don't know,
4 maybe we should wait. Why would we
5 need windows? It's going to be
6 blocked anyway.

7
8 (Whereupon, multiple people
9 were talking at the same time.)

10
11 MR. FRIEDMAN: -- the store
12 on the corner has -- Ringo (ph.) --
13 the owner, whatever -- has big huge
14 windows. It's covered up from the
15 inside and the outside because --
16 with shelving and stuff, so maybe
17 it's a waste of time and money. I
18 don't know. I'm just saying.

19 MR. JOHNSON: Yeah, it's
20 still -- (interrupted) --

21
22 (Whereupon, multiple people
23 were talking at the same time.)

24
25 MR. FRIEDMAN: Yeah, the

1 PROCEEDINGS

2 code says that it needs windows,
3 maybe we should wait --

4
5 (Whereupon, multiple people
6 were talking at the same time.)

7
8 MR. FRIEDMAN: -- because
9 it's not going to be used anyway.

10 MR. JOHNSON: Yeah.

11 CHAIRMAN FLEISCHMAN:
12 Install some lighting then.

13 MR. FRIEDMAN: Not really.
14 In the -- have you seen the code
15 that helps with lighting or
16 anything?

17 MR. JOHNSON: Well,
18 technically, storefronts though,
19 you know, sometimes the business
20 doesn't work out, and another
21 tenant will be in there next year.
22 So I think you have to give it a
23 typical -- (interrupted) --

24 MR. FRIEDMAN: Well, it's
25 not like a front wall. It's the

1 PROCEEDINGS

2 side wall. It's a big wall. If
3 they waste it and they don't put
4 shelving over there, then I don't
5 think that's a good idea. I mean
6 -- and the way it's proposed with
7 the shelving -- (interrupted) --

8 MR. JOHNSON: I'm just --
9 you know, all I'm saying is --

10
11 (Whereupon, multiple people
12 were talking at the same time.)

13
14 MR. FRIEDMAN: -- going to
15 be blocked by shelving so then why
16 would we need windows.

17
18 (Whereupon, multiple people
19 were talking at the same time.)

20
21 CHAIRMAN FLEISCHMAN: Maybe
22 we can make, like, fake windows.

23 MR. FRIEDMAN: Yeah, fake
24 windows. Maybe just to hang a sign
25 up which looks like a window.

1 PROCEEDINGS

2 MR. JOHNSON: Yeah. The
3 pizza place did that. You're
4 right's.

5
6 (Whereupon, multiple people
7 were talking at the same time.)

8
9 MR. FRIEDMAN: Maybe we
10 should -- can we waive windows?
11 Waive so that she doesn't make
12 windows because that would just be
13 a waste of time and money.

14 MR. SMITH: Well, that
15 would be your building --
16 (indiscernible) --

17 MR. JOHNSON: Is that a
18 zoning code or is --

19
20 (Whereupon, multiple people
21 were talking at the same time.)

22
23 MR. FRIEDMAN: She would
24 have to ask for a variance?

25 MR. SMITH: From the State.

1 PROCEEDINGS

2 MR. JOHNSON: Can we get
3 some artwork on exactly what this
4 is going to look like?

5 MS. FRIED: We gave it in.

6 MR. FRIEDMAN: We got a
7 sketch.

8 MR. JOHNSON: No. I mean
9 the face of the building -- the
10 face of the building.

11 MS. FRIED: Yeah, I have
12 that too.

13 MR. JOHNSON: You have that?
14 But you just said that you were
15 unsure. Now you --
16 (indiscernible) --

17 MS. FRIED: (Indiscernible).

18 MR. JOHNSON: Oh, he said
19 that. Okay.

20 MS. FRIED: I didn't say
21 that.

22 MR. JOHNSON: Fair enough.

23 MS. FRIED: Basically,
24 there's a garage door right here.

25 MR. JOHNSON: Yup.

1 PROCEEDINGS

2
3 (Whereupon, sotto voce
4 discussion ensued.)

5
6 MR. JOHNSON: Now, I know
7 that that building has some siding
8 missing. All of that is going to
9 be addressed? There's some damage
10 from the wind there that the --
11 (interrupted) --

12 CHAIRMAN FLEISCHMAN: Also
13 for the building -- (interrupted)
14 --

15 MR. JOHNSON: Yeah, I mean
16 we can ask for that.

17 MS. FRIED: Where is that?
18 Where is the -- (interrupted) --

19 MR. JOHNSON: I believe up
20 top there. There was --

21 MR. FRIEDMAN: I think
22 that's building code.

23 CHAIRMAN FLEISCHMAN: Of
24 course.

25 MR. FRIEDMAN: She needs to

PROCEEDINGS

1
2 get a CO --

3 (Whereupon, multiple people
4 were talking at the same time.)

5
6 MR. JOHNSON: I don't know.
7 You would not give a CO for a piece
8 of siding though; am I right? You
9 would?

10 MR. DEPEW: Yes.

11 MR. JOHNSON: And what about
12 signs? Would there be signs on the
13 building over top of the doors?

14 MS. FRIED: Yes.

15 MR. JOHNSON: So you still
16 have --

17 MS. FRIED: I haven't
18 finalized on this.

19 MR. JOHNSON: So we have a
20 size that they can be, right?

21 CHAIRMAN FLEISCHMAN: Hm-mm.

22 MR. JOHNSON: Okay. Yeah,
23 well, if everything complies I mean
24 I -- I just want to start making
25 things look nice. That's what I'm

PROCEEDINGS

1
2 all about.

3 MR. MARKOWITZ: I thought to
4 ask if the Village has some
5 subsidies for -- how to make much
6 more nicer.

7 MR. JOHNSON: I guess we got
8 a Dollar General coming in right
9 across the river, possibly.

10 MR. FRIEDMAN: Across the
11 river is -- (interrupted) --

12 MR. JOHNSON: Those stores
13 are beautiful, and, you know, we
14 kind of need nice looking stuff
15 here.

16 MR. GANCZ: Dollar General
17 will be in Orange County, I think.

18 CHAIRMAN FLEISCHMAN: Yeah.

19 UNIDENTIFIED SPEAKER: Where
20 is the parking proposed?

21 MS. FRIED: In the front of
22 the building.

23 CHAIRMAN FLEISCHMAN: On the
24 street on the sidewalk.
25

1 PROCEEDINGS

2 (Whereupon, sotto voce
3 discussion ensued.)
4

5 MR. DODD: You're addressing
6 the parking? Well, yeah, I got a
7 couple of comments here. We need
8 an overall site plan of the entire
9 site because you're saying parking
10 on the side is for the warehouse in
11 back. I'm not asking for a lot.
12 I'm asking you got an updated
13 survey.

14 We need to lay the parking
15 out that's being reserved for the
16 warehouse in the back, lay the
17 parking out, how you want to do it
18 in the front.

19 Some of the problem I got is
20 the right-of-way is wide there, so
21 I think where you're proposing some
22 of the parking is actually in the
23 village street right-of-way. I'm
24 not saying that you can't get a,
25 you know -- permission to do that,

PROCEEDINGS

1
2 but you need to look at that.

3 And then when we are all
4 done, this way when you ask for the
5 variances, we can grant the right
6 variances. I don't want to grant
7 three variances and then we go
8 through the whole thing and we find
9 out that we need two more because
10 we didn't take enough time to look
11 at the whole site, you know. So
12 that's why, you know, I'm asking
13 for an overall layout on the site
14 plan.

15 You have the base mapping,
16 you have a survey, and we just need
17 to lay the parking out to-scale on
18 that drawing so that we know.

19 And then you need to ask for
20 the right variances. I don't want
21 to -- you know -- I think you need
22 a variance for the parking in the
23 front. I think you need a variance
24 for the reduction in the number of
25 parking spaces, but I can't get you

PROCEEDINGS

1
2 to the right spot asking for the
3 right variances unless we have --
4 and it doesn't have to be fancy.
5 It just has to be accurate and
6 enough layout on the side.

7 MS. FRIED: Right. But I
8 already have a survey.

9 MR. DODD: Yeah. So have
10 everything laid out --
11 (interrupted) --

12 MS. FRIED: And now I have
13 different question. How am I
14 getting the landlord to do because
15 there is no official rule for
16 parking, right?

17 MR. DODD: Yeah. So we
18 usually -- we would recommend that
19 we use ITE standard or something
20 like that. So I can get that --
21 give you what we would look for,
22 and we would layout the whole site
23 for parking. Maybe you don't --
24 maybe we don't need as much parking
25 in the back as you think, and we

PROCEEDINGS

1
2 can use some of the side for
3 parking for your retail and then
4 reduce the amount of parking in the
5 front so at least, you know -- I'll
6 give you the information on that.

7 MS. FRIED: Okay.

8 MR. JOHNSON: I didn't
9 realize how much of that parking
10 lot is actually in the Village.

11 MR. DODD: Yeah, yeah.

12 MR. JOHNSON: It's a big --
13 (interrupted) --

14 MR. DODD: I mean, I know
15 it's -- (interrupted) --

16 MR. JOHNSON: Yeah.

17 MR. DODD: It becomes a
18 liability-thing sometimes too,
19 though.

20 MR. JOHNSON: Can we sell it
21 to them?

22 MR. DODD: You probably
23 could, but you need to have a
24 public -- public auction.

25 What we've done before

PROCEEDINGS

1
2 because of the oddity of the right-
3 of -- because that's where the
4 Bloomingburg Turnpike and the two
5 came together, so it's real wide
6 through there so everybody assumed
7 that it belongs to the property
8 when in reality it is actually in
9 the -- (indiscernible) -- street
10 right-of-way.

11 But we have worked in other
12 municipalities where we let them
13 park in that part of the
14 right-of-way. We just need to know
15 that so we grant that information.

16 Now that you have the
17 overall survey, you can lay
18 everything out to scale --

19
20 (Whereupon, multiple people
21 were talking at the same time.)
22

23 CHAIRMAN FLEISCHMAN: --
24 some of the property -- some of the
25 property does belong to the

PROCEEDINGS

1
2 Village?

3
4 (Whereupon, multiple people
5 were talking at the same time.)

6
7 MR. FRIEDMAN: -- it
8 belongs, or it's just a
9 right-of-way?

10 MR. DODD: Well, it probably
11 was part of the old turnpike that
12 was left to the State. The State
13 left it to the county and the
14 county left it to the Village.
15 That's how it usually goes. So
16 when the State -- (interrupted) --

17 MR. JOHNSON: Now, you know,
18 the older part of the building, not
19 the newer warehouse, but there's a
20 parking -- (indiscernible) -- we
21 have to consider the parking for
22 those -- (interrupted) --

23 MR. DODD: Right. Yeah,
24 that's why I want an overall -- and
25 if they need variances, we can

PROCEEDINGS

1
2 grant the right variances at the
3 time --

4
5 (Whereupon, multiple people
6 were talking at the same time.)

7
8 MR. FRIEDMAN: That's the
9 piece that you're talking about?

10 MR. DODD: Yes.

11 MR. FRIEDMAN: This
12 little...

13 MR. DODD: Yup, that little
14 triangular piece in there.

15
16 (Whereupon, multiple people
17 were talking at the same time.)

18
19 CHAIRMAN FLEISCHMAN: -- so
20 can I have a motion to open the
21 public hearing?

22 MR. GANCZ: Yes.

23 CHAIRMAN FLEISCHMAN: Anyone
24 have --

25

1 PROCEEDINGS

2 (Whereupon, multiple people
3 were talking at the same time.)
4

5 MR. JOHNSON: What are the
6 dimensions? Do you know?
7

8 (Whereupon, multiple people
9 were talking at the same time.)
10

11 MR. JOHNSON: Tom, do you
12 know the dimensions?

13 MR. FRIEDMAN: So this is a
14 sidewalk right now?

15 MR. DODD: No --
16

17 (Whereupon, multiple people
18 were talking at the same time.)
19

20 MR. DODD: -- this is --
21 there's a piece of triangle in here
22 that actually belongs to the
23 Village right-of-way so that's --
24 (interrupted) --

25 MR. FRIEDMAN: And all the

PROCEEDINGS

1
2 spots that we are talking about are
3 over here?

4 MR. DODD: Yes. So some of
5 them go out into the right-of-way.

6 MS. FRIED: (Indiscernible.)

7 MR. DODD: Yeah, no, I
8 understand that. It becomes a
9 question of ownership and -- like I
10 said, we have run into this in
11 other villages that we worked in
12 and granted, you know, the right to
13 use it.

14 MR. JOHNSON: How's the
15 liability work on that?

16 MR. DODD: Well, that's --
17 that's the thing.

18 UNIDENTIFIED SPEAKER: If
19 somebody gets hurt everybody gets
20 sued.

21 MR. DODD: Yeah, that's --

22 MR. JOHNSON: So if somebody
23 gets out of their car and slips and
24 falls and it happens to be in the
25 Village -- (interrupted) --

PROCEEDINGS

1
2
3
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25

MR. DODD: It could be --
(interrupted) --

MR. JOHNSON: -- so the
whole thing, somebody is going to
maintain that with snow and ice and
-- (interrupted) --

MR. DODD: Well, we would
have to get that clear that --
yeah.

MR. FRIEDMAN: Who has been
doing it all along?

MR. DODD: I don't know.

MR. FRIEDMAN: Until now?

MR. SMITH: I don't know.
It's a good question.

MR. DODD: I'm sure the --
I'm sure this property owner
maintained that spot there. I'm
just saying that that's --
(interrupted) --

MR. JOHNSON: Well, this is
a new applicant, so we need to make
it right now.

MR. DODD: Yeah.

PROCEEDINGS

1
2
3 (Whereupon, multiple people
4 were talking at the same time.)
5

6 MR. DODD: We don't want to
7 make it cumbersome, but we should
8 make it right and clean everything
9 up, so, you know.

10 CHAIRMAN FLEISCHMAN: So we
11 won't be able to act tonight on
12 this application, but since it was
13 noticed in the paper, I'll ask for
14 a motion to open public hearing and
15 we'll continue it.

16 MR. JOHNSON: I make it.

17 CHAIRMAN FLEISCHMAN: Any
18 second?

19 MR. FRIEDMAN: I'll second.

20 CHAIRMAN FLEISCHMAN: All in
21 favor?

22 MEMBERS OF THE BOARD: Aye.

23 CHAIRMAN FLEISCHMAN: The
24 public hearing is open if anyone
25 would like to speak.

1 PROCEEDINGS

2 MR. LESSER: Thank you.

3 Chris Lesser.

4 The lady asked to ex- -- not
5 to expedite, but to move along with
6 this project. But I don't believe
7 the question was answered: She has
8 to go through all of this to her
9 landlord, so what is going on?10 Who is proper to address the
11 landlord to help this lady move
12 along?13 CHAIRMAN FLEISCHMAN: She
14 has the contact number of the --
15 (interrupted) --16 MR. LESSER: So in other
17 words, she has -- okay. I get what
18 you're saying. So she has to deal
19 -- (interrupted) --20 CHAIRMAN FLEISCHMAN: She is
21 dealing with him, and she is the
22 applicant to ask.

23 Anyone else?

24 MR. KAHR: So why did the
25 gentleman recuse himself?

1 PROCEEDINGS

2 CHAIRMAN FLEISCHMAN:

3 Because he is her husband.

4 MR. KAHRs: And the last
5 name is Fried or Friedman?

6 CHAIRMAN FLEISCHMAN: Fried.

7 MR. KAHRs: Fried. Okay.

8 And you're not the owner of
9 the property?

10 MS. FRIED: No.

11 MR. KAHRs: You're not
12 officer of 54-56 Main Street, LLC
13 either?

14 MS. FRIED: No.

15 MR. KAHRs: Okay. Good.

16 So here's my concern.

17 Again, without the questions of the
18 variances that are now going to be
19 required, you have a person who has
20 absolutely -- a tenant speaking on
21 behalf of the building owner and
22 getting commitments from the
23 building owner without dealing
24 directly with the building owner,
25 has the Planning Board, slash,

PROCEEDINGS

1
2 Zoning Board, slash, the authority,
3 you have to make sure that the
4 building meets the code
5 requirements for its appearance.
6 Not the building inspector. Not
7 the lawyers. Nobody else. It's
8 you. You're the ones that dictate
9 what a retail space is supposed to
10 look like regardless of the stuff
11 that goes on behind the glass
12 doors, what the building's front
13 profile looks like, the elevation
14 looks like; it's the responsibility
15 of you. You can't punt that to the
16 building and code enforcement. All
17 they are going to do is tell you
18 that, yeah, the wall is strong
19 enough to hold the ceiling because
20 that's the code, and there's enough
21 windows, and the access requirement
22 is necessary for the number of
23 people that will occupy the space.
24 That's their job, but their job is
25 not dictating how the building is

PROCEEDINGS

1
2 laid out. That's clearly your job,
3 and if you don't take that issue up
4 on this particular case, it will
5 never get done. And if you don't
6 take that up, that shows favoritism
7 towards the person presenting the
8 project to you. You have to
9 address these things.

10
11 (Whereupon, multiple people
12 were talking at the same time.)

13
14 MR. KAHR: The other thing
15 is -- the other thing is --
16 (interrupted) --

17 MR. JOHNSON: You know,
18 I kind of agree with --
19 (interrupted) --

20
21 (Whereupon, multiple people
22 were talking at the same time.)

23
24 CHAIRMAN FLEISCHMAN: --
25 appearance -- (interrupted) --

PROCEEDINGS

1
2 MR. KAHRIS: No, no, no, but
3 you were saying what was brought to
4 you and the information that you
5 were saying is, it's retail space
6 but we are not going -- we are
7 going to have racks behind it so
8 there's no sense in making glass.

9 CHAIRMAN FLEISCHMAN: -- but
10 we all want it to look nice.

11 MR. KAHRIS: Sure. But I'm
12 just saying that in some cases you
13 don't have a choice. If it's going
14 to be dictated as retail, this is a
15 change of use, right?

16 CHAIRMAN FLEISCHMAN: Right.

17 MR. KAHRIS: It's permitted
18 by -- it doesn't need a variance
19 for zoning, right? It meets the
20 requirements for zoning?

21 CHAIRMAN FLEISCHMAN:

22 (Indiscernible.)

23 MR. KAHRIS: So the parking,
24 which is the number one issue in
25 the Village of Bloomingburg. There

PROCEEDINGS

1 is no parking to do anything.

2 There is no parking. So by her own
3 admission and I haven't seen the
4 plans, but she stated that there
5 was insufficient parking and now it
6 appears that her desired parking is
7 intruding upon the easement -- or
8 right-of-way for the Village of
9 Bloomingburg, so that means there's
10 even less. By the numbers
11 required, she said you have 52
12 percent of the required parking.

13 How -- you know, a hardware
14 store has a lot of traffic in and
15 out, in and out. How is that --

16 CHAIRMAN FLEISCHMAN: It's a
17 concern.

18 MR. KAHRs: It's a major
19 concern. That -- (interrupted) --

20 MS. FRIED: -- in and out,
21 you don't need that many --

22 MR. KAHRs: No, no, no.

23 MS. FRIED: Parking spaces.

24 MR. KAHRs: The code
25

PROCEEDINGS

1
2 requires. This is your
3 enforcement -- (interrupted) --

4 MS. FRIED: -- village, I
5 think in the whole New York --
6 (interrupted) --

7 MR. KAHR: And it's -- and
8 it laxes. There is no -- there is
9 no parking in this Village.

10 MS. FRIED: I don't know. I
11 always look down --

12 MR. KAHR: It's an
13 old-school village.

14 MS. FRIED: -- on Main
15 Street --

16
17 (Whereupon, multiple people
18 were talking at the same time.)

19
20 UNIDENTIFIED SPEAKER: It's
21 a walking community.

22
23 (Whereupon, multiple people
24 were talking at the same time.)
25

PROCEEDINGS

1
2 MR. KAHRs: See, now you're
3 making an assumption that it's a
4 walking community.

5 MS. FRIED: It is.
6 (Indiscernible) -- city restaurant
7 has, I think -- (interrupted) --

8 MR. KAHRs: Insufficient
9 parking.

10 MS. FRIED: How is it
11 insufficient?

12 MR. KAHRs: It's
13 insufficient parking.

14 MS. FRIED: You never see
15 more than two cars in there.

16 MR. KAHRs: That doesn't
17 matter. It's the retail -- there
18 is -- (interrupted) --

19 MS. FRIED: It does matter
20 because you never -- if you would
21 tell me it is full the parking lot
22 and people have to park on the
23 street, I would take that as
24 insufficient parking.

25 MR. KAHRs: No, I'm sorry.

PROCEEDINGS

1
2 With all due respect, you have a
3 wish, and this is what you want to
4 do. You want to open up a retail
5 business. You want to make money,
6 and you're going to do whatever is
7 necessary to cut the corners to
8 make your money to open the door.

9 MS. FRIED: It's not to cut
10 corners.

11 MR. KAHRs: And if you --
12 (interrupted) --

13 UNIDENTIFIED SPEAKER: It
14 will help the Village.

15 MR. KAHRs: You can say it
16 all you want. You can say to help
17 the Village to do this to get more
18 occupancy, yes. I get it. The
19 dynamic in this community has
20 changed, but you can't wait. You
21 can't variance your way out of
22 everything.

23 UNIDENTIFIED SPEAKER: And
24 you are being affected by the
25 traffic here in the Village?

1 PROCEEDINGS

2 MR. KAHRs: What's that?

3 UNIDENTIFIED SPEAKER: You
4 are being affected by the --
5 (interrupted) --6 MR. KAHRs: I am directly
7 affected.8 UNIDENTIFIED SPEAKER:
9 Really?10 MR. KAHRs: Directly
11 affected by the -- I come through
12 this traffic light everyday.13 UNIDENTIFIED SPEAKER:
14 Really? Where is traffic?15
16 (Whereupon, multiple people
17 were talking at the same time.)18
19 MR. KAHRs: You know what?
20 I have a horse.

21 UNIDENTIFIED SPEAKER: Oh.

22 MR. KAHRs: On the other
23 side. Do you know what those are?
24 I have a horse on the other side of
25 the Village, and I have to drive

PROCEEDINGS

1
2 through here everyday, multiple
3 times a day.

4
5 (Whereupon, multiple people
6 were talking at the same time.)

7
8 MR. KAHRIS: I've lived here
9 since 1978.

10 UNIDENTIFIED SPEAKER: Maybe
11 you should make a --

12
13 (Whereupon, multiple people
14 were talking at the same time.)

15
16
17 MR. KAHRIS: I don't have to
18 talk to those guys. I have to talk
19 to you guys.

20 There is a standard. There
21 is a standard. There is standard,
22 and you guys need to uphold the
23 standard. There is standard, okay?
24 Without that you can't just
25 variance your way through

PROCEEDINGS

1
2 everything. Everything in this
3 Village -- show me a project
4 that --

5
6 (Whereupon, multiple people
7 were talking at the same time.)

8
9 MR. FRIEDMAN: Let me
10 address just one little thing.

11 MR. KAHRs: One little thing
12 out of all the things.

13 MR. FRIEDMAN: You talked
14 about the windows. Now, the
15 windows is actually proposed here
16 that she is going to make windows,
17 so -- (interrupted) --

18 MR. KAHRs: But you tried to
19 talk them out of that.

20 MR. FRIEDMAN: I didn't try
21 to talk --

22 MR. KAHRs: You were just
23 sitting here saying, you know what,
24 why would -- (interrupted) --

25 MR. FRIEDMAN: -- I hear an

PROCEEDINGS

1
2 opinion about something --

3 (interrupted) --

4 MR. KAHRs: -- we put them
5 through that expense --

6 MR. FRIEDMAN: -- because in
7 -- (interrupted) --

8 MR. KAHRs: -- if they are
9 not going to use it.

10 MR. FRIEDMAN: -- another
11 store that is in the Village on the
12 corner, there is huge windows, and
13 it is not even being used as
14 windows.

15 MR. KAHRs: Because --
16 (interrupted) --

17 MR. FRIEDMAN: Because of
18 beatification, as you call it, as
19 it is, which -- (indiscernible
20 cross-talk) --

21 MR. KAHRs: -- because it's
22 written in the book that way. It's
23 written in the book that way.

24
25 (Indiscernible cross-talk)

PROCEEDINGS

1
2
3 MR. FRIEDMAN: -- so me, as
4 a member of this Board --
5 (interrupted) --

6 MR. KAHRs: It says retail
7 space will look like this --

8 MR. FRIEDMAN: So --

9 MR. KAHRs: -- and that's
10 it.

11 MR. FRIEDMAN: Do you want
12 to let me talk?

13 MR. KAHRs: No.

14
15 (Indiscernible cross-talk.)
16

17 MR. FRIEDMAN: Thank you so
18 much. You're going to have a
19 wonderful night.

20 MR. KAHRs: Listen. I'm
21 going on the record. You're going
22 to rubber stamp this. Nothing is
23 going to get done. It is
24 absolutely amazing that --
25 (interrupted) --

1 PROCEEDINGS

2 MR. FRIEDMAN: -- you're
3 going to go on the record, let me
4 make this clear. I tried to answer
5 you, and you denied me talking,
6 so -- (interrupted) --

7 MR. KAHRs: Because it's
8 irrelevant.

9 MR. FRIEDMAN: Thank you so
10 much.

11 CHAIRMAN FLEISCHMAN: Thank
12 you very much.

13 Anyone else?

14 MR. KAHRs: Nonsense.

15 CHAIRMAN FLEISCHMAN: So ask
16 for a motion to adjourn.

17 MR. JOHNSON: I'd like to
18 see --

19
20 (Whereupon, multiple people
21 were talking at the same time.)
22

23
24 CHAIRMAN FLEISCHMAN: So I
25 need a motion to declare ourselves

PROCEEDINGS

1
2 as lead agents according to SEQOR.

3 MR. GANCZ: I would like to
4 make a motion.

5 CHAIRMAN FLEISCHMAN: Anyone
6 second it?

7 MR. FRIED: I second it.

8 MR. MARKOWITZ: I second it.

9 CHAIRMAN FLEISCHMAN: All in
10 favor?

11 MEMBERS OF THE BOARD: Aye.

12 CHAIRMAN FLEISCHMAN: So the
13 public hearing stays open. It will
14 continue at the next meeting.

15 I also got a request for --
16 from the developers at Chestnut
17 Ridge. They have a small office
18 trailer over there for the real
19 estate, and the workers, they want
20 to make a bigger one. So according
21 to our code, it needs to be
22 approved by the Planning Board, so
23 -- (interrupted) --

24 MR. JOHNSON: Yeah, but I
25 don't think you can propose it.

1 PROCEEDINGS

2 CHAIRMAN FLEISCHMAN: No.

3 MR. JOHNSON: Yeah, okay.

4 CHAIRMAN FLEISCHMAN: He
5 proposed it.6 MR. JOHNSON: Don't they
7 need to come in front of the Board
8 and -- (interrupted) --9 MR. SMITH: Somebody ought
10 to make an application.11 CHAIRMAN FLEISCHMAN: He did
12 send it to me.13 MR. JOHNSON: Yeah. I
14 don't think that's quite --
15 (interrupted) --16 CHAIRMAN FLEISCHMAN: I
17 don't think they need a public
18 hearing. It just says --
19 (interrupted) --20 MR. SMITH: No. I don't
21 think you need a public hearing,
22 but you need an application.23 MR. DODD: Put it on the
24 next agenda. I'd like to have the
25 code enforcement officer review it

PROCEEDINGS

1
2 to make sure he's okay with it.

3 MR. JOHNSON: Okay.

4 CHAIRMAN FLEISCHMAN: So
5 we'll table that for next month.

6 MR. JOHNSON: To me, that's
7 against the ethics, so to speak,
8 you know?

9 MR. SMITH: It's more
10 appropriate to have an application.
11 The code enforcement officer has to
12 be comfortable with it.

13 CHAIRMAN FLEISCHMAN: Of
14 course. So we'll --
15 (interrupted) --

16 MR. FRIEDMAN: So what's the
17 -- what are we going to be waiting
18 for with this application?

19 CHAIRMAN FLEISCHMAN: We
20 need to know exactly which
21 variance -- (indiscernible
22 cross-talk) --

23 MR. DODD: We need an
24 overall site plan laid out for --
25 (interrupted) --

PROCEEDINGS

1
2 MR. FRIEDMAN: So then
3 you'll be able to -- (indiscernible
4 cross-talk) --

5 MR. DODD: So we need the
6 overall site laid out with the
7 parking requirements, and whatever
8 variances are required, and then
9 you can grant the variances if the
10 Board settles.

11 And you want to look at it
12 from a safety standpoint too for
13 traffic laws, but I don't -- we got
14 a base map here. It can be worked
15 with, and we can figure out whether
16 they want to encroach into the
17 right-of-way and whatever they need
18 to do there.

19 CHAIRMAN FLEISCHMAN: So can
20 I have a motion to adjourn?

21 MR. FRIEDMAN: I'll make
22 that motion.

23 MR. GANCZ: I'll second it.

24 CHAIRMAN FLEISCHMAN: All in
25 favor?

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PROCEEDINGS

MEMBERS OF THE BOARD: Aye.

CHAIRMAN FLEISCHMAN: Thank
you very much. See you next month.

(Time noted: 7:43 pm.)

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C E R T I F I C A T I O N

I, BARBARA ULBRICH, Court Reporter and Notary Public within and for the State of New York, hereby certify that I recorded stenographically the proceedings herein at the time and place noted in the heading hereof, and that the foregoing transcript is true and accurate to the best of my ability, knowledge and skill.



BARBARA ULBRICH

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