

APPROVED



**TOWN OF THOMPSON
PLANNING BOARD
WEDNESDAY, January 11, 2017**

IN ATTENDANCE: Chairman Lou Kiefer
Matthew Sush
Jim Barnicle
Michael Hoyt, Alternate
Kathleen Brawley, Secretary
Richard McGoey, Consulting Engineer
Michael Croissant
Melinda Meddaugh
Bobby Mapes, Alternate
Paula Elaine Kay, Attorney

Chairman Kiefer called the meeting to order at 7:00 p.m.

PUBLIC HEARINGS:

APPLICATION OF MAKOVIC HOMES for site plan approval in accordance with §250-11 of the Town Code of the Town of Thompson for model units for modular-home sales. The property is located in the HC-2 Zone at Old Route 17/Cimarron Rd, Monticello, NY; S/B/L: 31.-1-67 Glenn Smith, P.E.

Michael Croissant recused himself from participating in this application. Chairman Kiefer appointed Bobby Mapes a voting member for this application in Mr. Croissant's absence.

Chairman Kiefer read the public notice. Satisfactory proof of mailing was provided to the Board.

Mr. Smith advised that this project was before the Board and received site plan approval twelve years ago. The lot in question was reduced in size because the Department of Transportation took some of the property to rebuild exit 106. It is vacant land. The applicant came back before the Board because the prior approvals expired. They had to obtain zoning variances due to the lot size and width, which were approved. The applicant intends to place six modular homes on the property. They will be on piers, with no water or sewer. There will be an office for the staff, which will have septic and a well. The other six buildings will be for sale purposes. A parking lot and walkways to the models will be installed.

Matthew Sush asked if the model homes would have utilities and Mr. Smith advised they would not have any utilities at all.

PUBLIC COMMENT:

Robert Edwards, neighbor: Asked Mr. Smith if this is the same project as was approved twelve years ago and Mr. Smith advised it was. Mr. Edwards asked what would happen to existing homes. Mr. Smith advised there would be no affects and explained that the applicant is planning on keeping as many existing trees as possible and add ten pine trees to screen any light. Mr. Edwards asked where the permanent office would be and Mr. Smith showed Mr. Edwards on the map.

Jim Barnicle asked that Mr. Smith confirm that no Certificates of Occupancy would be issued for

the model homes, which Mr. Smith confirmed.

Manon Fortier, neighbor: Her concern is the number of the buildings on the small lot. It will look like a showroom and ruin the look of the neighborhood. It will increase traffic. They want to keep the neighborhood feel. She feels that if there were less buildings on the lot it would be better for the neighborhood feel.

Kevin McCague, neighbor: Mr. McCague asked if ground water runoff would be addressed. There may be a stream that runs through the property. Mr. Smith advised that a SWPP plan is being prepared by the applicant because of the additional impervious surfaces which the Town Engineer will review. Mr. McCague advised that it was a former bungalow colony and some of the buildings may have been buried under ground. Mr. Smith advised that there will be no basement or foundations done so that should not be an issue.

Mr. Edwards asked if screening would be planted along Hoover Avenue. Mr. Smith advised that it was up to the Board. Mr. Edwards advised that he would like to see that added to the plan.

Correspondence was received from the attorneys for Montreign and EPR, which was read during the meeting. A copy of the same is in the Board's file.

A motion to close the public hearing was made by Bobby Mapes and seconded by Melinda Meddaugh
5 in favor; 0 opposed

APPLICATION OF PRIMAX PROPERTIES LLC/5 STAR LAND DEVELOPMENT

Glen Wild Road, Rock Hill, NY; S/B/L: 32.-1-22

A motion to close the public hearing and the submission of documents was made by Michael Croissant and seconded by Matthew Sush
5 in favor; 0 opposed

A motion to approve the December 28, 2016 minutes was made by Matthew Sush and seconded by Michael Croissant
4 in favor; 0 opposed

WILLIAM D. CULLIGAN

Gregory Road, Monticello, NY – S/B/L: 56.-1-53.3

William and Jane Culligan

Mr. Culligan advised that they want to build a three-bay garage. There is an issue concerning the height and square footage which required Board approval. They are going to make the property look better and they are incorporating a wood shed into the garage. They do not presently have a garage, but have two sheds and a trailer on the property. Bobby Mapes asked if the garage was going to be attached and Mr. Culligan advised it would not be attached. The proposed height of the garage is 21 feet.

A motion to approve the oversized garage (36'x36' and 21' high) and waiving the provisions regarding size, height and/or setbacks in accordance with district regulations, was made by Matthew Sush and seconded by Michael Croissant
5 in favor; 0 opposed

LEISURE ACRES

Waverly Ave, Monticello, NY – S/B/L: 29-2-13, 22 & 23
Jay Zeiger, Esq. and Joel Kohn

Mr. Zeiger advised that the review under GML §239 came back and recommended this application for local determination. Mr. Zeiger further advised that they are not here for site plan review, but for the proposed zone change. They have changed their plan and withdrew their application with the Zoning Board and will proceed with row houses with three homes. Mr. Zeiger has received the Town Engineer's comments but they have more to do with the site plan and will be addressed later. Mr. Zeiger advised that this is three parcels which will be combined. The largest parcel is zoned in the manner they want (SR), it is the other two smaller parcels which they are seeking a

A motion to recommend that the Town Board approve the zone change from RR-1 to SR for 29-2-22 and 29-2-23 was made by Melinda Meddaugh and seconded by Michael Croissant
5 in favor; 0 opposed

TRANS DIRECT SERVICE

15 Rock Hill Dr, Rock Hill, NY; S/B/L: 32.-2-38.2
Michael Davidoff, Esq. and Andrew Wohl

Chairman Kiefer asked what the nature of the business was and Mr. Wohl said wholesale deliveries of dairy products. Attorney Paula Kay advised that violations were placed on this property by Code Enforcement. Mr. Davidoff wanted to come before the Board because he does not feel site plan approval was necessary for this project. Mr. Davidoff advised that his client used to run his business next door. Mr. Davidoff advised that trucks on Saturday would be another businesses and not his, as he does not operate on Saturday. Mr. Davidoff explained that Mr. Wohl has one truck and one trailer which he works from. Attorney Paula Kay advised that this is a residential property. Mr. Davidoff wanted to know what the zone is and Jim Carnell advised it may be Highway-Commercial. Attorney Paula Kay advised that it may be a permitted use in the zone, but the business has no site plan approval. The Town had no idea of this business. Bobby Mapes advised that the neighbor may have been the reason for the applicant being brought before the Board. The other company has many trucks parked on the side of the road regularly. Mr. Davidoff advised that his client has cleaned up the property. He also understands that there was a business run from that property for many years. There is a garage on the property which was used for the prior business. Mr. Davidoff advised that the applicant will hire an engineer and submit a site plan if it is deemed necessary by the Board. Attorney Paula Kay advised that Code Enforcement has indicated that they want to see it. Including, hours, intent, etc. Town Engineer McGoey confirmed that it is in the HC-2 district. Attorney Paula Kay read the permitted uses in the district and Mr. Davidoff felt the applicant's business fits into the permitted uses. Jim Barnicle asked if the refrigerated trucks are plugged in all night and Mr. Wohl advised that they are not. Michael Hoyt pointed out another trailer and asked if that was plugged in all the time and Mr. Wohl advised

it is, four days a week.

CHERRY VALLEY BUILDERS, INC.

Old Sackett Road, Rock Hill, NY - S/B/L: 52.-1-17.9

Michael Davidoff, Esq. and Michael Sanders, MJS Engineering

Michael Hoyt recused himself from participating in this application.

Mr. Davidoff advised that he did respond to the Town Engineer's request for additional documentation. They did send letters to the Department of Health, Department of Environmental Conservation, etc. He has spoken with Town Attorney Paula Kay. They did not provide additional marketing information, as they forgot. They did feel that they provided all of what they have, but he will look into it. When this application first started, one of the things requested by the Board was that the applicant be responsible for \$60,000.00 for the increase on the sewer plant and his client paid \$32,000.00 of the same. As applications are made, they will pay \$1,000.00 for each building thereafter. They are asking for another extension. The Town law was amended to allow for extensions of this nature. Mr. Sanders advised that there were many outside agency approvals which were required. Some have expired (DEC, DOH) and they have asked for extensions of the same. The SWPP was asked to be revised to meet current standards and they are working on that. They have filed their notice of intent with the DEC. A walk-through of the parcel took place and they can confirm that no change in the parcel has happened since original approval. Mr. Davidoff advised that the parcel is becoming increasingly marketable. It is not hurting anyone to approve the extensions. His client has done everything the Board has asked. Attorney Paula Kay asked that Mr. Davidoff get any additional marketing materials for the project. Town Engineer McGoey noted that the requests for the extensions to the DEC and DOH were done a year after the same expired and he wondered what would happen. Mr. Sanders feels that there should be no issue with getting the extensions. Attorney Paula Kay asked how long would it take for the extension and Town Engineer McGoey advised it could be months. Mr. Sanders advised that he does not anticipate any problems. Mr. Davidoff advised that the applicant cannot do anything without these extended approvals.

A motion to extend the approval for an addition 90 days contingent upon the outside agency approvals and the providing of additional marketing materials, was made by Melinda Meddaugh and seconded by Jim Barnicle
5 in favor; 0 opposed

EXCELLENT BUS SERVICE

301 Bridgeville Rd, Monticello, NY – S/B/L: 32.-2-4

Glenn Smith, P.E. and Eli Gelb

Bobby Mapes recused himself from participating in this application.

Mr. Smith advised that the applicant has site plan approvals and have been operating for several years. The applicant just purchased Sam's Towing and is applying to have a tow truck on the site. There may be some work done in the garage area. No other substantive changes will be done on

the site. Chairman Kiefer asked if it would be year round and Mr. Gelb advised it would be. Michael Croissant asked where the primary work would be done and Mr. Gelb advised that mostly at the Sam's facility in Liberty but there will be some minor repairs done on the site in Monticello. Jim Barnicle asked what will happen when they are busy with buses in the summer and the additional traffic, etc. Mr. Gelb advised that passengers are there for ten minutes at a time. Chairman Kiefer asked about the size of the garage and Mr. Smith advised it is 24'x24' and is not big enough for buses. Mr. Gelb advised it will be for small tow trucks. Mr. Smith noted that the use is permitted in the zone, but it may be the dual purpose that needs a zoning variance. Attorney Paula Kay advised that if the applicant wants to stop using it as a bus terminal and use it as a garage business, then they could amend the site plan to show that and work through the regulations for a single use. She is not sure they can use the parcel for a dual purpose with a bus terminal. Chairman Kiefer asked if they could build something on a separate lot which is owned by the applicant nearby. Chairman Kiefer advised that they could use the entrance for Excellent Bus, but use the adjoining parcel. Jim Barnicle confirmed what Attorney Paula Kay noted about the dual use and asked if they could run the bus business for one part of the year and the garage for another part and Attorney Paula Kay advised that that is not permitted under the Town Code. She further reiterated what she explained earlier about stopping the bus business altogether. He has to go before the ZBA to get the additional use approved or get an interpretation to see if a second use could be permitted.

A motion to deny this application and refer the same to the Zoning Board of Appeals was made by Matthew Sush and seconded by Melinda Meddaugh
5 in favor; 0 opposed

MACHNE MIVTZER HATORAH

218 Hilltop Rd, Monticello, NY; S/B/L: 41.-1-24.1

Jay Zeiger, Esq., Joel Kohn, Larry Marshall, P.E., Mr. Weinberger

Town Engineer McGoey advised that he has three pages of comments. Mr. Marshall asked to clarify comment #20 that there will be three stories exposed on the back of the building. This will be built similar to a bi-level home. The front is underground and the rear is exposed and the second floor is completely above ground. It is only going to be two stories and they will clarify the same on the plan if it would help. Mr. Zeiger advised that the rest of the comments were reviewed and they will address the same. Chairman Kiefer advised that the Board will not permit this application to go further without getting the outstanding items addressed. Mr. Zeiger advised that they will schedule another work session with the Town Engineer. Chairman Kiefer advised that there were items which should have been done which still have not been addressed and that is not the Board's fault. Joel Kohn advised that the public comments were addressed in writing. As far as the Town Engineer's comments they will work to address the same, have another work session and then come back before the Board.

Attorney Paula Kay advised that the Board may want to do a site visit. Lighting and other issues are plaguing the site. There is a dug and open foundation that is a safety issue. The Board needs to have a level of comfort that the site is safe. Jim Barnicle also mentioned that sidewalks needed to be installed as well. Mr. Kohn advised that the sidewalks have been built. Town Engineer McGoey advised that the path of least resistance is where the sidewalks need to be built as approved by the

Board and not where they are shown on the site plan. Attorney Paula Kay asked about the full-time caretaker. It is a safety and responsiveness issue. The neighbors have issue with lighting, alarms, noise, traffic, etc. These issues keep being raised by the neighbors and they need a concrete solution to these issues. Michael Croissant noted that the Board was assured by the original applicant that no one would even know that the camp was there. Nothing could be further from the proof. Mr. Halberstam advised that as soon as they start working in the spring they will have a caretaker on the site. They do not have water on the site right now but a well has been drilled. Mr. Halberstam has provided the neighbors with his telephone number and he assured that he has addressed any issues raised. Michael Croissant advised that the lighting issue was raised for months and it was not until the applicant was becoming before the Board that they were removed. He feels that Mr. Halberstam's claims were disingenuous. Attorney Paula Kay asked if the caretaker's cottage was shown on the site plan. Jim Barnicle asked if it was heated and Mr. Halberstam advised that it was not. Mr. Kohn advised that the caretaker's cottage is an existing building on the plan and Attorney Paula Kay advised that it needs to be specifically shown on the plan. Mr. Marshall advised that the water system on the site is completely seasonal and they are working on a more permanent solution to the water issues. Attorney Paula Kay advised that they need a more constant presence on the site to address issues raised. Mr. Halberstam advised that he has hired a caretaker, he just cannot live on the site right now. If they need anything done, that's who they will call to address any issues.


Mr. Zeiger asked about site inspections and scheduling. The Board advised that they will come in pairs. Attorney Paula Kay advised that the applicant is not ready for the Board to do that site visit closer to spring to give the applicant time to address the issues raised.

Mr. Zeiger confirmed that there are many issues that need to be addressed and they understand that they are not getting approvals tonight. Chairman Kiefer advised that there have been many promises made that have not been fulfilled. Buses are going in and out of the property. The neighbors are upset. Mr. Zeiger advised that the busing is a real issue. The daily buses are in contrary to what the applicant had previously presented to the Board. Mr. Zeiger advised that his client advises that there are one or two buses per day and it ends at 4:00 p.m. Michael Croissant advised that the Board was told one bus at the beginning of the summer and one bus at the end of the summer. Bobby Mapes advised that the applicant advised that this camp was sufficient to meet their needs when they initially received site plan approval. The Board asked these questions and was assured that the site was sufficient. At the very next meeting, the applicant was before the building to change the dining, change the size of the buildings, etc. The Board bent a little more and permitted the minor change to the site plan. There has been a lack of honesty from the start. Michael Croissant advised that the Board has an obligation to the neighbors, whose lives have changed since the camp started a year ago.

Chairman Kiefer advised the applicant to continue working and the walk through will be scheduled. Attorney Paula Kay advised that it does not appear that any approvals will be given before these items are done. The biggest issue is that the foundation is open. Town Engineer McGoey reminded the Board to be mindful of the time between the public hearing and when they approve to avoid an approval by default. Mr. Zeiger has confirmed that his client will consent to waiving any sixty-two-day time period which may result in an approval by default.

A motion to adjourn the meeting at 8:09 p.m. was made by Melinda Meddaugh and seconded by Matthew Sush
5 in favor; 0 opposed

Respectfully submitted,


Kathleen Brawley, Secretary
Town of Thompson Planning Board