

**APPROVED**

TOWN OF THOMPSON  
PLANNING BOARD  
Wednesday, January 10, 2018



IN ATTENDANCE: Chairman Lou Kiefer  
Matthew Sush  
Jim Barnicle  
Michael Hoyt  
Debbie Mitchell, Secretary  
Richard McGoey, Consulting Engineer  
Kathleen Lara, Alternate  
Arthur Knapp, Alternate  
Paula Elaine Kay, Attorney

PUBLIC HEARING:

**NOB HILL COUNTRY CLUB, INC**

Randy Wasson, attorney  
Jay Zeiger, Esq

Notice is hereby given that pursuant to the provisions of §250-55 of the Town Code of the Town of Thompson, public hearing will be held by the Planning Board of the Town of Thompson at the Town Hall, 4052 Route 42, Monticello, New York on January 10, 2018 at 7:00 p.m. to consider the application of NOB HILL COUNTRY CLUB, INC. for site plan approval and a two-lot subdivision in accordance with §250-7 of the Town of Code of the Town of Thompson.

The property is located in the SR Zone with central water/sewer at 4599 State Route 42, Monticello, NY; S/B/L: 9.-1-51.

Satisfactory proof of mailing was provided to the Board.

Mr. Zeiger - Shows the public the site map.

Mr. Wasson – This is a twenty-acre parcel and about ¾ of an acre is on the lake side. We are subdividing into 2 lots. Lot number one has existing bungalows, many of the bungalows are being repaired and combined to make 2 family homes. Making the number of units less now. Lot number two has row housing development and some of the units are being cleaned up and consolidated. There will be 8 new units, each one containing 3 family units making it a total of 24 new units. Total number of units will decrease from 62 to 59. Some buildings are being removed like an old barn. The new units will have new utilities, water and sewer. The driveway will remain the same, it will just be improved. A 35-foot vegetative buffer will be maintained along the Patio Homes side. Planting and landscaping will be done at the new units. All the decks will be on the inside of the units. We have proposed a 4-foot-deep by 12 feet long and 5-foot-high storage unit for under the deck, next to or inside existing units.

Chairman Kiefer - What about the lot line and the encroachment? Mr. Zeiger – My thought is we are not going to do anything. It's not our property that's doing the encroachment. It's the neighbor encroaching on us. We will put a note on the map saying we won't ask the neighbors to remove their

building. If the neighbor approaches us about a lot line improvement we will do something at that time. Paula Kay – Since you didn't speak with them maybe they don't know that they are on your property. Chairman Kiefer - If there is a sale of either property there will be an issue. Mr. Zeiger – I don't think it would be an issue with us. Paula Kay – It does impact your density. I think before you come again we need to work this issue out and contact the neighbor. Mr. Zeiger – I'm happy to write to the neighbor. I don't think it's fair to us since we are not doing the encroachment.

#### PUBLIC COMMENT

Joan Fishman, VP Patio Homeowners Association; I feel there is an encroachment of all of our homes. I heard that there was going to be a six-foot fence, which is not satisfactory. If you take a look now at the property there is garbage every where and no matter how many times this has been addressed in the past it has never been picked up or taken care of.

Ian Constable - I live on the property line of the water company and the Nob Hill baseball field. There are refrigerator and car tires that were buried by the Nob Hill maintenance Department after Hurricane Katrina. I called the DEC and they said that this is the water company property. Mr. Zeiger – Who's property is it? Mr. Constable – It's Nob Hill's garbage that they pushed off onto the Water Departments property.

Joan Fishman, VP Patio Homeowners Association; How is the road going to be used? Mr. Zeiger – They are private roads and are for cars and no buses.

Ralph Guarino – I have two houses one of the houses are near the 6-foot fence. I put up a 6-foot stockade fence by my bedroom to block the noise and it did not help. Once the summer arrives it gets very loud with all the pizza and ice cream trucks. The kids love to play in the field by my house and they can be loud. I have asked them to be quite and they will leave. Could they put a road on the other side and not next to my house, to keep it from getting louder by my house?

Anes Kurtagic– Since they bought Nob Hill, Demerest Drive's traffic has picked up. Mr. Zeiger – Nob Hill does not use this road. Mr. Kurtagic – I live there and they do use it. Mr. Zeiger – Not this community. Mr. Kurtagic – The kids also hop the fence and there is always garbage all over the place.

Ian Constable – The kids do hop the fence and walk through our property's. I've called the Police Department several times at 2 A.M. because they set off fireworks.

Ralph Guarino – The six-foot fence is already there. Are they going to put a new fence in? Mr. Wasson – The 6-foot fence that is there now will just be extended. There will be no new fence. This is just intended to define the property line not to screen the property.

#### PUBLIC COMMENT CLOSED

A motion to close public hearing was made by Jim Barnicle and seconded by Matthew Sush 4 in favor; 0 opposed

Chairman Kiefer called the meeting to order at 7:21 p.m.

A motion to approve the December 13, 2017 minutes was made by Matthew Sush and seconded by Michael Hoyt  
4 in favor, 0 opposed

A motion to approve the December 27, 2017 minutes was made by Matthew Sush and seconded by Michael Hoyt  
4 in favor; 0 opposed

A motion to take the Agenda out of order was made by Michael Hoyt and seconded by Matthew Sush  
4 in favor; 0 opposed

Chairman Kiefer appoints Kathleen Lara to replace Michael Croissant.

**4020 STATE ROUTE 42 REALTY, LLC (GULF)**

4370 State Route 42, Monticello, NY S/B/L: 13.-3-39

Vincent Luongo, Bertin Engineering

Mr. Luongo – I hope we made all the changes you were looking for. I put the parking on one side of the building and moved the handicapped space so it doesn't interfere with anything. I put the fuel tank on the lower part of the site. I put a remote fill in the drive isle and people can still back out and leave. I put in more landscaping. I put a no standing and no stopping striping in front of the building. I also moved the diesel canopy on the other side of the building and added a diesel dispenser under the big canopy. I relocated the exit driveway north by 42 feet, for easier truck access out. I made the wall longer to compensate for the driveway. I added the diesel canopy which is 20 x 20.

Chairman Kiefer - We didn't have an issue with the size of the canopy over the second fill station, it was with the location. Will the drive thru window be taken out? Mr. Luongo – The window will be closed off. Paula Kay – I think they want a note on the plan stating that the window will not be used. Mr. Luongo – I told my client that the drive thru sign will be removed and so will the widow. I contacted the shopping center and they will give me a temporary permit for me to add the wall. They want to remove the brush and plant their own trees. Richard McGoey – I just want to keep the birch trees. Mr. Luongo – They wanted me to ask you if they can remove everything. Richard McGoey – They did contact me and asked if they can remove the trees and I said yes as long as they come up with a plan that you and I can agree on.

Mr. Luongo – I contacted DOT about the relocation of the driveway and tying into their system for the water runoff. But have not heard back from them yet.



Chairman Kiefer- Did you go over the comment and if so, did you have any comments yourself? Mr. Luongo – I did go over them and have no issues. I couldn't find the distance for an accessory structure. Jim Carnell - We will touch base with you after we know what the variance and distances are. Richard McGoey – Some of the variance can be removed since they are pre-existing.

Mr. Luongo – I will comply with the lighting and we will use the same stone as everyone else on the Route 42 corridor.

A motion for denial and refer back to the Zoning Board of Appeals was made by Jim Barnicle and seconded by Matthew Sush  
5 in favor; 0 opposed

Matthew Sush – I would like to say thank you for listening to our concerns and for you redesigning to our recommendations.

A motion to the Zoning Board of Appeals that the applicant redesigned the site from our recommendation was made by Matthew Sush and seconded by Jim Barnicle  
5 in favor; 0 opposed

#### **CONGREGATION K'HAL TORATH CHAIM**

Silver Terrace, Monticello, NY S/B/L: 6.A-1-44  
Joel Kohn, representing the applicant

Mr. Kohn - This project is a 3-lot subdivision in the Gibber community, it was approved in 2016 and never finished because of drainage issues. We are looking to get it for a re-approval.

Paula Kay - There is no requirement for public hearing, this was previously approved and they came back.

Richard McGoey asked the Board and Mr. Kohn if they had any suggestions on how to keep the garbage from being spread around the bungalow colonies here in the Town of Thompson. The residents tend to put their garbage in the garbage cans and then leave those cans in the streets. Do we need more permanent enclosures at the house or at the street? Chairman Kiefer – The issue with enclosure is they wheel it out to the street, leave it there and that's when it get's blown over. Richard McGoey – What is your recommendation Mr. Kohn? Mr. Kohn – Enforcement. Richard McGoey – There is nothing to enforce. Maybe we need to impose something on this subdivision and any subdivisions here after. Then we can eventually get compliance. Chairman Kiefer – What do you recommend? Richard McGoey – I think we need some kind of enclosure like the plastic bins with lids. Jim Barnicle – They look nice in the beginning but they just fall apart. Richard McGoey - Maybe something more permanent next to the house? Michael Hoyt – Make a motion to only have it at the curve side on garbage pick-up day. Richard McGoey – That would probably have to be done by local law. Michael Hoyt – In Emerald Green fines are given out if you leave the garbage by the street. Mr. Kohn - Who enforces that? Michael Hoyt – The Homeowner's Association. Kathleen Lara – They don't have Homeowners Associations, do they?

Mr. Kohn - The homes are individually owned but there is a Homeowners Association. Jim Barnicle - I think the town will have to start a local law.

A motion for a 3-lot subdivision with condition that the engineer report has to be set for the water runoff was made by Matthew Sush and seconded by Jim Barnicle  
5 in favor; 0 opposed

**LOCKI KASIOTIS**

47 Cooper Corner Road, Monticello, NY S/B/L: 11.1-41.12  
Gary Silver, Stoloff & Silver, LLP

Chairman Kiefer has temporary appointed Matthew Sush as Chairman.  
Chairman Kiefer appoints Arthur Knapp to replace Chairman Kiefer.  
Chairman Kiefer recused himself from participating in this application.

Mr. Silver – I am here for a site plan approval as well as a Special Use approval.

Richard McGoey – I visited the site and it looks much better since my July visit. There were tires and auto exhaust systems on the ground today. Mr. Silver – They were removed this afternoon. Mr. Silver shows the board pictures of the site.

Temporary Chairman Sush – During the work session we discussed the fact that this project has taken so long and after today's approval you will not be coming back to the Board, we would like a condition added to have an annual visit to Mr. Kasiotis site every year.

Mr. Silver – I respectfully have to disagree with that, I don't think this is standard operating practice. Mr. Kasiotis has spent a lot of money already and he should not have to spend any more money to keep coming back here. Paula Kay – No, not to come back here, just to have the Code enforcement go with him once a year to his property. Mr. Silver – Why? Paula Kay – Because it has taken so long to get to this point. And we understand that lots of stuff comes and goes from the site and we want to make sure this site stays in compliance. Mr. Silver – Mr. Kasiotis had hardship this last year, he was very sick. We have cleaned up this lot and did what you have asked us to do. The few things outside I don't think are an issue. I think coming back every year is unnecessary unless there is a complaint. It took him a year to do it and it took about \$65,000 to do all this work. And to have to deal with having someone come once a year is not fair. Paula Kay – We were not aware of his hardship. Mr. Silver – This was discussed with Richard McGoey. Temporary Chairman Sush – They wouldn't look for issues, just make sure the site is in compliance.

Mr. Silver – How many other businesses have you done this to? Temporary Chairman Sush – We don't have any at this moment. We don't have the opportunity to look at other cases. Mr. Silver – I just sat here and heard people complain about tons of garbage at a bungalow. You have plenty of opportunity to do this if this was a common practice. Mr. Kasiotis's business will sometime have items on his property but we have complied and cleaned everything up. To signal out one business is not fair. Paula

Kay – But that is as of this afternoon. There were some items there today in the yard when Richard McGoey was there. It took a whole year to get everything cleaned up. Mr. Silver – This is his business, and he has stuff that he is allowed to have outside on occasion. Richard McGoey- The plans states that there is to be no outside storage.

Temporary Chairman Sush - How do we insure that the place will stay in compliance? This took one year to get everything cleaned up. What happens when no one is looking? Mr. Silver – What happens with any business when no one is looking? He was told to do a wall by the Board and then found out it wasn't needed. He was very sick. I find it hard that no other projects took this long.

Paula Kay – But this is a Special Use Permit and under Special Use Permit it say: “The Planning Board may impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed special use permit. Upon its granting of any special use permit, any such conditions must be met in connection with the issuance of permits by the officers and employees of the Building Department.”

Mr. Silver – But this is a condition of the permit! Paula Kay- Temporary Chairman Sush is coming up with a reasonable condition. Mr. Silver – I respectfully disagree. You have no other special use permits that you require a yearly inspection. Paula Kay – We only have two Special Use Permits at this time.

Mr. Silver – We did everything required in the first year and now we are back here and he has complied. Temporary Chairman Sush – Not everything was satisfactory for that site plan within the first year. We are finally here after 2 years to get to this final approval.

Mr. Silver – I've been a Planning Board attorney for the past 12 years in Liberty and never heard of this before. I don't think this is reasonable. If there is an issue then come back and fine us. No reason to have to come back once a year.

Temporary Chairman Sush - How does the board feel about a yearly inspection? – Michael Hoyt – Lets do one inspection in about six months from now and let see how it looks. If there's an issue then we can go from there. Jim Barnicle – I agree with Michael Hoyt.

A motion for a Special Use Permit with a condition for a six-month code enforcement inspection was made by Michael Hoyt and seconded by Kathleen Lara.  
5 in favor. 0 opposed

A motion to close the meeting at 7:54 pm was made by Matthew Sush and seconded by Jim Barnicle  
5 In favor; 0 opposed

Respectfully submitted,

*Debbie Mitchell*



Debbie Mitchell

Secretary

Town of Thompson Planning Board