

Paula Kay – Since there were no mailing sent out this is technically not a Public Hearing so we need to set another public hearing.

Richard McGoey – How fast can you do the mailings? Mr. North – It should be pretty easy to do.

Chairman Kiefer called the meeting to order at 7:09 p.m.

A motion to approve the May 22, 2019 minutes was made by Michael Hoyt and seconded by Matthew Sush

5 in favor, 0 opposed

A motion to set another Public Hearing for the Rock Hill Liquor Store on July 10, 2019 was made by Matthew Sush and seconded by Jim Barnicle

5 in favor; 0 opposed

TARPON TOWERS II, LLC

Wurtsboro Mountain Road, Rock Hill, NY S/B/L: 35.-1-34

Jared Lusk, Nixon Peabody, LLP

Sara Colman, Air Smith

Mike Crosby, RF Engineer, Verizon Wireless

A motion to extended the shot clock to August 14, 2019 was made by Michael Croissant and seconded by Michael Hoyt

5 in favor; 0 opposed

THOMPSON SQUARE 2017 LLC

4058 State Route 42, Monticello, NY S/B/L: 13.-3-40 & 13.3-40-3

Richard Baum, Attorney

Pablo J Medeiros, representing the applicant – Heidenberg Properties

Geraldine Tortorella, Council – Hocherman Tortorella & Wekstein, LLP

Steve Powers, Engineer

Shaun Kelly, Vanasse & Associates, Inc.

Ms. Tortorella – We had gone to the Zoning Board of Appeals last month and got our approval for all of the variances we needed. We had a technical meeting and we did revision to the plans. You got the GreenbergFarrow letter that is the technical review letter. We tried to provide you with a detailed response. If you have any question, we are happy to go over of it, but don't feel it's necessary to go over all the details tonight. The traffic study has been sent to CHA, your Traffic engineering firm. I understand that you have not gotten written comments yet but we have been in contact with your Traffic engineer. I believe your Traffic engineer concurs with our analysis. We have a contractor who will be doing this project and the prices are pretty high. Because we have not secured tenets in the free

forming building or the vacant Staples Store, we are planning to do this project in Phases. We are looking to defer until we have tenants for some of the spaces.

Mr. Medeiros – The costs we are getting are far in excess than what we expected. We have no intention of selling it so we feel it's best to start with the south west corner building (Marshalls). We talked about putting Marshalls in the Staples location but then we didn't get an interest for the southwest corner, so we decided not to move Marshalls. We don't have any tenants for the free stand building as of today and we are hoping with Marshalls moving in that we will start to get some interest. The expansion of Staples was based on getting a tenant that needed the extra space. If we don't find one that needs that space, we will not add on to it.

Jim Barnicle – In Phase 2 would you move forward with all the approvals for when a tenant become available? Mr. Medeiros – The other problem with the 11,000 square foot building is, we would start to construct it for casual dining and then something else wants to go in. We would then have to come back for revised plans so why start until we know what's going in there. So, when we get tenants we will come back. Ms. Tortorella – We would like to secure a preliminary approval for Phase 2 and Phase 3, subject to when we are ready to move to final approval. We would address the technical comments and address any other outstanding issues. When we get tenants, we will come back so it's made no sense to discuss technical comments now. Can we get more than a six-month approval period? Paula Kay – Richard McGoey and I were talking about that. We really can't do that. You will have to come back in six months and get another extension.

Chairman Kiefer - Is Phase 1 not going to begin soon? Mr. Medeiros – No, they will start that very soon. We have a contractor on board and we will be meeting with them tomorrow. Mr. Baum- This could change now that people know that Marshalls is coming in. Also, the bank is moving across the street. Chairman Kiefer – The bank is a separate parcel? Mr. Baum – Yes. Mr. Medeiros – We are currently marketing it to anyone who would like to go in there. Mr. Baum – It could have been setup that way for leasing purposes. Richard McGoey – It's a separate tax lot. Mr. Medeiros –It's just the building. Chairman Kiefer - Should we bring that into the other property? Mr. Baum – It's the same as Home Depot. Richard McGoey – I think the site plan should show this as a separate tax lot.

Richard McGoey- I don't see any landscaping in the Phase 1 plan. Mr. Powers – The landscaping is on the plan set. We will do whatever landscaping fits in that area. Chairman Kiefer – You will show the landscaping plan for Phase 1? Mr. Powers – Yes. Jim Barnicle – The Gas station said they talked to you about landscaping that would help both of you. Mr. Powers – I believe that's on there Plans.

Jim Barnicle - In the notes, the auto parts store road needs repair, is that part of Phase 1? Mr. Medeiros – They own their own parcel; they have the right but not the obligation to repair it under our lease with them. If you can notice them to repair it then we can enforce it. Chairman Kiefer – Your saying you're not responsible for it? Mr. Medeiros – Correct, we told them we would be doing some resurfacing of the lot and if they would you like to take advantage of this price they can, but they have not answered us yet. Richard Baum – Don't forget that this is a new owner and that many of the leases were negotiated by one or two different people a long time ago. So, we are stuck with those existing leases.

Paula Kay – Any idea how long the lease is? Mr. Medeiros- No, we do not know. Jim Carnell – They just did some patching the other day with hot mix on the entrance and other locations.

Richard McGoe – We asked for a stone wall at the entrances like the other business have. Mr. Medeiros – We will only be able to do it on the south side of the main entrance. Richard McGoe – Can it be a 3-foot-high, circular field stone wall? Mr. Powers – The only issue is that it's in a NYSEG easement. They don't want any permanent structures. Mr. Medeiros – That is why we put the sign where it is. Richard McGoe – Maybe the town could talk to NYSEG! Mr. Medeiros – We asked the town to talk to NYSEG about a lot of things and that easement, that's why Marshalls has that odd angle on it. If you're able to talk to NYSEG for us that would be great. They were not very receptive to some of our plans. Richard McGoe – Maybe you can put it at the base of the pylon sign.

Kathleen Lara – I see the exit by the bank is in Phase 1, what is your plan to make it better? Mr. Medeiros – We are extending the entrance lane all the way down to the intersection. That would provide for restriping and to allow for two full length lanes. Kathleen Lara – Giving us four all together? Mr. Medeiros – Three. Ms. Tortorella – You will have a straight line coming in and two going out. Also improved signage so people know that they can turn left from either lane. Paula Kay – Can you add that detail to the resolution? Ms. Tortorella – We can make it clearer. We do have a landscaping plan for Phase 1. What we need to do is extract from that what is going to be Phase 1, 2 and 3. Richard McGoe – For some reason the landscape plans from the previous set has changed. I raised that in my comments. Mr. Medeiros – One of the original comments was for a lot of tree's in front of the Auto Zone. Mr. Powers shows the board the landscaping plan on the site plan he has. Matthew Sush – Any landscaping on the Golden Ridge side? Mr. Powers – No that is not our property. Mr. Medeiros – A lot of landscaping is in Phase 2. In Phase 1 we are just moving a curbing and don't think we need to do the trees now. Richard McGoe – But it's landscaping not just buffering. Mr. Medeiros – We don't want to put in tree's and then have to remove them if phase 2 has changes to it. We are trying to not do landscaping anywhere Phase 1 butts up to Phase 2. Mr. Baum – There is a walkway from the new building to Middletown Medical. That would actually eliminate some of the islands that would have been eligible for a tree to be placed. You can only have one, a tree location or a sidewalk. You can't put a tree in the middle of a sidewalk. And because walkability is part of the gateway guidelines and some of the comments from this board we had to compromise. The connection from one end to the other was the compromise. Matthew Sush - Maybe there should be a congregation area and then you can landscape around that. Mr. Medeiros – When we get to Phase 2, we can look at. Ms. Tortorella – We have to be mindful about parking, since we are already under parked. Michael Croissant - Are you doing new paving in section by the bank? Mr. Medeiros – No that's part of Phase 2. We can look at it and see if we can make it as Phase 1.

Paula Kay – We need to get our traffic consultants comments and make sure everybody has time to read through them.

Ms. Tortorella – I would like to address a couple procedural items. Since this is an amendment to an existing Site plan can we not do a public hearing and we need to do a SEQRA with negative declaration. Then get the combined final approval. Paula Kay – I don't have an issue with not doing the

Public Hearing since no one came to the ZBA. You just had a Public Hearing on Middletown Medical and I don't recall anyone coming in for that either.

Mr. Powers – We have a berm along Golden Ridge Road. Richard McGoey – Is it on the new plan set?
Mr. Powers – Yes, I also emailed it to you.

ROCK HILL CORNER PROJECT

207 Rock Hill Drive, Rock Hill, NY S/B/L: 32.-1-35.1
Glen Smith, P.E

Paula Kay recused herself from participating in this application.

Mr. Smith – Nothing has changed, it is still a corner parcel in Rock Hill that will roughly be a 29,000 square foot building with shops and smaller commercial buildings. Parking is the same and there will be one entrance on both Glen Wild Road and Rock Hill Drive. All the water run off is to the east in the back of the building. The underground retention basins and bioretention basins are in the back to take care of storm water runoff because most of the property will be roof top and parking lot.

Mr. Smith goes over the comments:

Comment 1: The two wells located on site one for the Pizza Rock and one for the former bungalow colony must be abandoned in accordance with AWWA standard. Appropriate notes and details are to be provided on the plans. The location of the wells is to be shown on the plan – There are two wells, one for Pizza the Rock and one for the old Bungalows. Richard McGoey wants them abandoned and I will but a note on the plan about that. Richard McGoey – The new wells will be tested and you need to monitor the adjoining wells too. Mr. Smith – We usually do that.

Comment 2: The Sewer Superintendent has requested that water meters be specified for each building individually for sewer billing purposes – A note will be added to the plan. Since there is no town water, they need a way to monitor how much water is being used for the sewer system.

Comment 3 – The Sewer Superintendent requested that individual sewer laterals be provided for each tenant space. – We will make sure there is a lateral for each tenant's space.

Comment 4: Any details required by Sullivan County DPW for the entrance onto the County Road are to be provided on the plans – We meet with the DPW and I need a permit from them and then we will put a note on the plans.

Comment 5: Comments in regards to the traffic study by the Town's traffic consultant are still outstanding – We are still waiting on your traffic consultant for comments.

Comment 6: The SWPPP is to be submitted for review and approval – The SWPPP is about 95% done and I will get that to Richard McGoey once it's done. The SWPPP is mostly the bioretention's, underground

retentions and some rain gardens. I talked to Melinda Meddaugh a while back and how we could incorporate some rain gardens into the parking lot. That would make for some nice landscaping.

Comment 7: We continue to recommend that the developer's agreement be entered into establishing the need for a performance bond and engineering escrow for engineering inspections during construction by the Town Engineer – I submitted a draft of the developer's agreement. It's a standard agreement that we have done with other projects and towns.

Comment 8: The Applicant will be discussing with the Planning Board a request to banked parking in light of the significant amount of parking spaces proposed. If banked parking is satisfactory to the Board, the banked parking should be in a location that provides additional buffering from the County and Town Road. – We have 270 parking spaces shown here and want to ask if we can bank some of the parking spaces that are along Glen Wild Road. We can bank them and then landscape it. Out of 270 spaces maybe only build 200 and that would give us more of a buffer area. Chairman Kiefer - That good.

Comment 9: Lighting and landscaping plans have not been submitted to date. – I'll get that stuff to you.

Richard McGoey – Get designs for the building done soon please. Mr. Smith – I made a note about that tonight as well as the signage design.

Jim Barnicle – Can you make that landscaping a communicable space for people to be able to site and eat some food? Mr. Smith - Maybe landscaping with some shading, that's a good idea.

Mr. Smith – I'm waiting on the traffic comment and getting the SWPPP done. I would like to get a conditional approval.

Richard McGoey – The Board can consider a conditional approval as soon as we get done with SEQRA. Once we get our Traffic consultants comments we should be able to get you a Neg Dec.

GIBBER NEIGHBORHOOD DEVELOPMENT

Gibber Road, Kiamesha Lake, NY S/B/L: 6.-1-9

Glenn Smith, Engineer

Mr. Smith - The Board has decided on a positive declaration and go with a DEA because of the size. Marybeth has submitted a positive declaration resolution and she has also done for the Town a draft of the scoping document. Which I think she is trying to get it done by the end of the week so the Board can adopt it by the next meeting. Paula Kay – I have a draft from 6/10/19. Mr. Smith - It was updated today. MaryBeth had comments as well as Richard McGoey so Lance & Tully updated the document. Paula Kay – It needs to be distributed to the Board and Richard McGoey and then we have to go though it at the next meeting. Mr. Smith - Every possible environmental issue is listed in the document.

A motion for the positive declaration resolution to be adopted was made by Matthew Sush and seconded by Michael Hoyt
5 in favor; 0 opposed

Paula Kay – This resolution needs to be given to Heather so she can stamp it in.

FAMILY FUN PARK

65 Friedman Road, Monticello, NY S/B/L: 5.-1-6.3

Joel Kohn, Representing applicant

Chairman Kiefer - Have they done more work since last time? Richard McGoey – I believe they did. I confronted your client and he said No. Richard McGoey shows Mr. Kohn pictures of the work that was done. The pictures were from May 6, 2019 and June 11, 2019. Mr. Kohn – I haven't been out there in a while. I asked the owner on the phone if he did anything and he said No.

Paula Kay – It's up to the board on how you want to handle this. You can take him to court, he will get building without permit fees for each time he's done it. How many buildings without permits has he had? I think five or six, so that's about \$1,000. Jim Carnell – It all depends because he's had a first offense and a second offense. Michael Croissant – I think we need to fine him and maybe he will stop doing it. Paula Kay – I think he's going to have to pay the fee's first before the Board goes forward. Jim Carnell – I think we should go directly to court since he's going to open up for the summer and building without fee's will be the same no matter what. Court action would be more appropriate and you get the fee's as part of it.

Kathleen Lara – Did your client start to do what he needs to do to start the consolidation of the lots? Mr. Kohn - It's based on the approval.

Paula Kay – Can you except services on behalf of the client to help speed things up? Otherwise he won't be able to open. Mr. Kohn - What do you mean? Paula Kay – Once the building department issues the violation and the ticket, the easy thing to do is to negotiate things. Otherwise he won't be able to open the camp. Since court takes a while. Mr. Kohn - Are you talking about the new or old section? Paula Kay – The new section. Mr. Kohn -The new section won't be ready this year. Chairman Kiefer – Opening period! Paula Kay – We can't stop him from open the old section. Matthew Sush – Even if there is construction going on? Paula Kay – We would have other issues if that happens. Richard McGoey – There are other things ready to be used that he did without permits like the bumper boats. Paula Kay – Why don't Mr. Kohn , Jim Carnell and I discuss this later. Mr. Kohn - How about Monday? Paula Kay – OK.

Chairman Kiefer - He doesn't need our approval for consolidation, does he? Mr. Kohn - We work it out with the Town last time, once he gets a signed site plan that's when he submits the combo.

WILLIAM & SHERRYL MCNEAL

71 Cold Spring Road, Monticello, NY S/B/L: 30.-4.10

Mr. DeWintereWinter, DeWinter Engineering. PC

Jim Barnicle recused himself from participating in this application.

Chairman Kiefer appoints Kathleen Lara to replace Jim Barnicle.

Mr. DeWinter - As stated in my cover letter, David McNeal (son) opened up a barber shop in a 20 x 24 shed and didn't get approval for it. The shed is a finished with water and sewer. Chairman Kiefer - If they just added a room onto the house it wouldn't have been an issue, correct? Richard McGoey - It would have still been two uses. Paula Kay - It would have been a home occupation. The issue is the home and shed are two uses and then it would have to be subdivided. Mr. DeWinter - The lot is large enough for the house and shed but not large enough to sub divide.

Mr. DeWinter - Under the 256 paragraph 8 any variance that is required need to be referred to the ZBA. Paula Kay - The first issue is that it's a shed and it's not fit for occupancy. The permit is for the shed to put tools in. Mr. DeWinter - We have no issue bringing it up to code including the door for the bathroom that is outside. Jim Carnell - It's just a shed with no foundation. Mr. DeWinter - They had a building permit and I didn't know there was no foundation. Richard McGoey - Let's send them to ZBA. Jim Carnell - The structure will need substantial improvements to bring it up to code. Paula Kay- I think that the money you're going to be spending to bring it up to code is going to be a lot more then utilizing a room in the house or adding an addition to the home. Mr. DeWinter - Do we have to come before the Board for a home occupancy? Can you refer us to the ZBA in case they want to go that root and then we can save time?

A motion to send applicant to the Zoning Board of Appeal was made by Matthew Sush and seconded by Michael Hoyt
5 in favor; 0 opposed

Paula Kay - The applicant for the Rock Hill Liquor Store did in fact send out the notices for the Public Hearing. So that means we don't need a second hearing. We need a motion to close the Public Hearing.

Kathleen Lara - And only one person talked too tonight.

A motion to close the Public Hearing for the Rock Hill Liquor Store since the mailing were done was made by Michael Croissant and seconded by Michael Hoyt
5 in favor; 0 opposed

SMOKERS CHOICE

146 Rock Hill Drive, Rock Hill, NY S/B/L: 32.-2.56.2
Lawrence Marshall, PE, Mercurio Norton Tarolli Marshall
Darren Schwartz, owner

Mr. Marshall - This application was before you back on April 10, 2019 for a Public Hearing. We received comments from the Board and Richard McGoey. We have been working on revision that the applicants want us to make. Those changes are the sewer and grading on the parking lot. We don't have the updated plans yet but we plan on having them done soon.

Paula Kay - We asked you here tonight because post Public Hearing, work was done before the Board has taken an action. Mr. Marshall - Based upon my conversation there has been some minor work done.

There has been some clearing, minor grading to clear up a drainage issue and they cut down some trees. Chairman Kiefer – A lot of trees have been cut down! Mr. Marshall - The grading was minor. Mr. Marshall shows Richard McGoey what was cleared on the site plan. Richard McGoey – We would have liked to keep some vegetation for screening. Mr. Marshall – The applicant is willing to make landscaping changes and is looking for suggestions. Paula Kay – It is completely clear cut. Mr. Marshall – Are you looking for more screening or decorative? Richard McGoey – Both. Jim Barnicle - Tree's that last all the seasons. Mr. Marshall – Evergreens? Chairman Kiefer – Evergreen trees are year-round. Mr. Marshall – Our typical evergreens are six to eight feet high. Matthew Sush – Ten to Twelves feet would be better. Michael Croissant – Is there any fines? Paula Kay – Typically, Yes.

Chairman Kiefer - This is the second time that this has happen on this project. Mr. Marshall – We plan to make it the last.

Mr. Marshall – We will have plans submitted shortly. Paula Kay – Is there anything else being done on the site now? Mr. Schwartz - We had pockets of water and a run off issue that I needed fixed. Paula Kay – You can't do any of that work right now. Mr. Schwartz - We had issues with roots going into the leach field and wanted to make sure its functioned property so we took down some dead trees. We want to make this look nice. We want to be a positive contributor to the community. I didn't know we couldn't take down the dead trees. I was looking out for safety and beauty. I wouldn't have done it if I knew I couldn't have done. Paula Kay – Technically no one should be there until you get approvals. We are kind of doing things backwards here. Again, there is no other work being done out there? Mr. Schwartz – Nothing.

Mr. Schwartz - I live in Orange County and my heart is here in Sullivan. We are a big employer.

Paula Kay – Are the plans going to show us what the building is going to look like? L Mr. Marshall – Are you looking for elevations? Paula Kay – Right now it looks like a box and the paint is peeling. Mr. Schwartz - The plan is for a wooden/stone theme. I'm hoping to be able to put in a greenhouse so we can feed our employees. Our business is a family. Michael Hoyt – Show all your ideas on the plans.

Mr. Schwartz - I apologize for the past.

Jim Barnicle – Let's put a time frame for the plans to be done. Mr. Schwartz – I want it for the next meeting.

Paula Kay – On the site plan, show all the uses and where it's going to be. Is the parking lot handicapped accessible? Mr. Marshall – Yes, the parking is gravel and they meet the grading but not the hard surface specification. I'll show them on the plans.

Mr. Marshall – Can we seed and hay the front? Richard McGoey – That's ok and setup a work session so we can get you on the agenda.

A motion to close the meeting at 8:27 pm was made by Michael Croissant and seconded by Jim Barnicle
5 In favor; 0 opposed

Respectfully submitted,

Debbie Mitchell

Debbie Mitchell
Secretary
Town of Thompson Planning Board