

TOWN OF THOMPSON  
PLANNING BOARD  
Wednesday, August 12, 2020

**APPROVED**

IN ATTENDANCE:

Chairman Lou Kiefer	Michael Croissant
Matthew Sush	Kathleen Lara, Alternate
Jim Barnicle	Arthur Knapp, Alternate
Michael Hoyt,	Paula Elaine Kay, Attorney
Debbie Mitchell, Secretary	
Richard McGoey, Consulting Engineer	
Hellen Budrock, Sr. Planner Delaware Engineering	

PUBLIC HEARING

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, NY on August 12, 2020 at 7:30 p.m. to consider the application for the MAC Corp for site plan approval in accordance with §250-10 of the Town Code of the Town of Thompson.

The property is located in the HC1 zone at 40 Katrina Falls Rd, Rock Hill, NY S/B/L: 32.-2-97  
Frank Vigna, representing Bob Buckles and Mac Corporation

A Satisfactory proof of mailing was provided to the Board

Mr. Vigna – I spoke to Pat at Glenn Smith engineering firm to get the site plan up to speed in regards to the parking, outdoor play area, the dumpster and those sorts of things. I’m here to see what the Board needs and then get those items you need done and then come back to you. Also, to see if the Public has any questions. I would like to try and get the apartments upstairs rented quickly so they can get some cash flowing.

Richard McGoey – If you ask Bob Buckles, he should have copies of our Technical review comments. We have had several meeting and work session with him. If Hellen Budrock has any written comment, she can send them to you as well. Mr. Vigna – I have one of your comments and will get them to you tomorrow.

Chairman Kiefer – Do you want to leave this Public Hearing open? Paula Kay – We have been doing that all along I would suggest it.

Matthew Sush – I feel the only thing we know of right now is the apartments upstairs. I think it’s import that we know what the possible usage this property will be.

Mr. Vigna - The bottom was a restaurant and it’s now going to be a Day Care Center. There is a Company that has signed a lease. Upstairs will be two residential apartments. There will be parking to the North West of the property and it will have handicapped parking. There will be a dumpster enclosure as well.

With this being so close to the highway it will be convenient for parents. Chairman Kiefer – You will need a playground enclosure.

Richard McGoe – How many children and what age groups? Mr. Vigna – I don't know, I'll have to find out.

Jim Barnicle – The one sketch plan that was submitted shows pre-school and toddler. Will there be a separate entrance for rentals? Mr. Vigna – They will come in the front door to a vestibule that will have a separate entrance for the apartment and the day care and a side entrance coming down from a balcony to the parking lot. Jim Barnicle – I have a concern that the renters can come and go during business hours. Maybe we can require that during the business hours they have to use the outside entrance. Chairman Kiefer – I agree.

Paula Kay – We will need to know how many children, their ages, how the pickup and drop off will be handled and the outside play area. And the traffic issue if everyone comes at once.

Michael Croissant – Is there an occupancy for the building? Jim Carnell – The prior own had made some improvement to the septic system. Because of the Restaurants occupancy it was subject to review by the Board of Health (BOH). The BOH made a restricting of how many people could be in the restaurant. Which was roughly half of what the occupancy code was. It was about 35 people or patrons. The occupancy load was much higher than what the septic could handle. That is something that your engineers will have to address as with the number of children. I don't know the calculation between the Restaurant and the child care. As Jim Barnicle talked about, I don't think the residents would be allowed to interact with the kids according to the State Agency. Mr. Vigna – Do you know the name of the Agency? Jim Carnell – The BOH has something to do with it as well as State Ed. Mr. Vigna - I did find that there will be up to 30 kids. And the usage was the same as the restaurant was, 980 gallons per day.

Jim Barnicle – Again I would like to see the location of the playground and the parking in the winter month, and where are you going to put the snow?

#### PUBLIC COMMENT

No Public Comment

#### PUBLIC COMMENT CLOSED

Paula Kay – Do you know when you can get us a site plan? Mr. Vigna – No I do not.

Paula Kay – We need more info and a site plan.

Matthew Sush – I think we should hear from the Department of State about the dual uses. Mr. Vigna – That will be done while I'm getting the site plan together, I'll approach them.

A motion to leave the Public Hearing open until August 26, 2020 was made by Matthew Sush and Jim Barnicle seconded it.

5 in favor; 0 opposed

Chairman Kiefer called the meeting to order at 7:49 p.m.

A motion to approve the July 22, 2020 minutes was made by Jim Barnicle and seconded by Michael Croissant

4 in favor, 0 opposed

### **AERO STAR PETROLEUM**

Rose Valley Road, Monticello, NY S/B/L: 31.-1-22

Glenn Smith, Engineer

Mr. Smith started to go over the comments.

- 1- We got multiple variances from the Zoning Board of Appeals (ZBA)
- 2 – Work needs to be done on both County and Town Roads - We have to get an ok from the county Department of Public Works (DPW) and we will take care of all of that.
- 3 – Any road improvement details need to be added to the site plan - Will be taken care of that.
- 4 – A detail should be provided for the installation of bollards in front of the propane tanks - The propane tanks (BBQ Size) will be in a cage and I'll add that to the plan. Chairman Kiefer – Will they be filling the tanks there? Mr. Smith - No just storage.
- 5 – A Ramp for the ADA access needs to be shown on the site plan - Will put it on plan.
- 6 – We recommend an elevation review of each side shown to the Board - I got two color renderings of the building for the next meeting. It will look like the Building on Route 42 and Anawana Lake Road just smaller

A motion for a Public Hearing on September 9, 2020 was made by Michael Croissant and seconded by Michael Hoyt

5 in favor; 0 opposed

### **BBIS AUTO AUCTION**

Route 17B & Kaufman Road, Monticello, NY S/B/L: 12.-1-55

John Cappello, attorney

Frank Filiciotto, Creighton Manning

Jim Bates, EcoLogical Analysis

Zach Szabo

Mr. Cappello – I'm the attorney. We have Frank Filiciotto to discuss the traffic reports. Jim Bates – Is here for the habitat discussion. Zack Szabo will be giving you a preview of what we have submitted or going to submitted. We are here to talk about progress.

Mr. Filiciotto –I'm with Creighton Manning, we are the traffic engineers. Because this property fronts on the NYS Department of Transportation (DOT) roadway (17B ) we have talked to the State DOT. We will be storing vehicles on the site and then auctioning them off. There is going to need to be delivery of the vehicles and then the hauling away of those vehicles. The majority will be arriving from the South or

West, up 17 and then onto 17B, then turning on to Kaufman Road. They will be going from Kaufman Road to the highway using the on ramp via Benmoshe Rd. This way they will not have to go back onto 17B to get to 17. The level traffic intensity is not the issue. We will be under the 100-trip threshold that the DOT has identified as a guideline for significant impact. Where we need to focus is on the path of traffic coming to the site! We were made aware of an issue on 17 B where there are two lanes going West bound that turns into one lane. We were told and saw that people don't pay attention to this merger and making the merger a little too late. We are planning to change the striping farther back on 17B and enhance the signage. The signs for must Turn Right will be pushed back. There will be a Begin Right Turn Lane rather back as well. Chairman Kiefer - Are you in favor of a over head sign? Mr. Filiciotto - It's not that I'm not in favor it's a big expense and it's an interstate type of sign. The DOT will need to review and approve. We think our signs will have good results with out a heavy price tag. Chairman Kiefer - My problem is that sign on the side of the road go unnoticed. Mr. Filiciotto - These signs will be large and maybe able to put them closer to the road and with some additional signage. Jim Barnicle - I think striping will help as well. Chairman Kiefer - If they were lit, I think that would be a big improvement too. Jim Barnicle - Ultimately the DOT makes the final decision. Mr. Filiciotto - We did talk to the DOT and they came back with the response of, we like the idea but needs further info before we give you a permit. When we send vehicle out, we are going to be placing signage for vehicle to make a left. So, they don't have to go out onto 17B and add to the traffic. The turn radius from Kaufman Rd to Benmoshe Rd will need to have a shoulder reinforcement done. This will widen the turn. Our traffic study will also be reviewed by the Town Traffic consultant. It's not about how much traffic but the kind of vehicles.

Hellen Budrock - Is there any site distance issues? Mr. Filiciotto - There is some horizontal curvature that will limit site distance for the driveway. We have 589 feet of site distance to the right or North and 1,000 feet look to the South and left. These numbers are adequate for the driveway. Richard McGoey - We would need a certification that it meets standards for stopping site distances. Mr. Szabo - I believe the site distance to the left is a tad bit longer once the driveway is installed.

Mr. Bates - I believe you all saw the habitat assessment we did. There was correspondence with the Department of Environmental Conservation (DEC) and Fish and Wildlife. We did a complete sight analysis. I was not there at that time but have been at other time. The only issue was the Long Ear Bat. If you look at any Fish and Wildlife map it shows the whole North East as their home. If you look at the letters from DEC and Fish and Wild life they don't say there are any Long Ear Bats there. They say that construction and habitat loss is not the issue with the habitable loss it's the white nose syndrome. They are not putting any tree cutting restriction on anything unless you are a certain distance from a Bat tree. The only part of Sullivan County that has a Bat tree is by the Bashakill. There are no endanger species here

Hellen Budrock - I'm going to send this to MaryBeth and other staff members. Do you do any kind of mappings? It was hard for me to visualize the different types of habitat area's and the disturbance area. Mr. Bates - We normally don't do mappings. Hellen Budrock - I personally think it would be helpful. If it's a not a lot of work to do a map and do an overview of the site plan could you do that? Mr. Bates - I'm sure I could work with the engineers and have that done.

Hellen Budrock – Are erosion and sediment plan almost finished? Mr. Szabo – We are almost done with it.

Hellen Budrock – How about the wetland report? Mr. Szabo – I believe we completed 2 wetland maps, Ross would no better.

Richard McGoeey – Does the board want the Traffic consult to look at this. IF so then we need a motion.

Jim Barnicle – With the DOT being involved I think that would be overkill. Chairman Kiefer – I agree.

### **SUNSHINE ESTATES**

221 Ranch Road, Monticello, NY S/B/L: 16.-1-14-1

Joel Kohn

Paula Kay – There was an issue with raw sewage from units 9, 10, and 11. Has this been taken care of?

Mr. Kohn - This was taken care of before I even mentioned it to the owner. There was a local break on one of the pipes that goes to the unit. Mr. Kohn shows he Board a picture of the repaired pipe at unit 9.

Richard McGoeey – What about the other units? Mr. Kohn - I was told they were all taken care of. Mr. Kohn shows the invoice that show the fixed broken sewer line behind units 9, 10, 11.

Michael Croissant – What about that water line? Mr. Kohn - The new proposal will take care of the water line. Units 9, 10 & 11 are going to be demolished and then rebuilt. We have no issues with the Engineers comments. We need to go to the ZBA for a variance. For lot coverage. The current lot coverage is 11.3% and new lot coverage will be 11.58%. The max lot coverage is 10%. We are asking the board to do a denial to go to the ZBA.

Paula Kay – I have no issue going with the denial but I would like to have Richard McGoeey or Jim Carnell go out and check the sewer issue. Mr. Kohn - Ok.

A motion to deny and send to the Zoning Board of Appeals condition that the sewer line is fixed was made by Matthew Sush and seconded by Jim Barnicle

5 in favor; 0 opposed

### **LADIROT ASSOCIATES AKA MORNINGSIDE ACRES**

71 Rock Ridge Ave, Monticello, NY S/B/L 13.-3-37.4

Joel Kohn

Jenny Courant

Mr. Kohn – This is an existing bungalow colony.

Chairman Kiefer – They were supposed to do quite a bit of work over the years and it was not done. Mr.

Kohn - There were three previous conditions that still need to be done. They were approved back in

2008. 1) Restriping of the handicapped space. This was done but has faded over the years. I believe they have hired someone to redo it for them. 2) Planting of 12 trees. They claimed they have been done but

some of those tree's have died so they plan on replacing them now. 3) To install a Compactor. There was one other issue that was about the septic system and the new building. They have no septic system everything goes to the Town septic. Chairman Kiefer – Is that septic system still under the building? Mr. Kohn – It's a water line and will be taken care of as well.

Ms. Courant – We actually have the plumber coming out this Friday to move the water line. As far as the compactor goes, we had to switch companies. Waste Management was very behind and we asked them to fix the container and enclosure and they took care of that yesterday. Chairman Kiefer – There is a compactor there now? Ms. Courant – No it's just containers, they are inside the enclosure. We are only 25 family and as a result the only time we would need additional waste help would be in the summer time. Chairman Kiefer – Wasn't the compactor part of the original agreement? Richard McGoe – In 2008 they weren't supposed to get the CO until they got the compactor. Ms. Courant – The compactor is very expensive. Matthew Sush – The waste management company just changed. Ms. Courant – That maybe so but I was not aware of a lot of things until my situation came up. I just want to tell you about my situation. The company would charge us a 12-month fee for a 2-month use. The company even said that it was not feasible. We deal with issues as they come up as Mr. Kohn pointed out. Chairman Kiefer – According to Richard McGoe comments you have two dumpsters very close to the road. Ms. Courant – They are not there anymore. Chairman Kiefer – But they were! Ms. Courant – Again it was waste management problems. Michael Croissant – Which falls back on you, it's your property. Ms. Courant – I agree.

Michael Croissant – What about the landscaping and the building that was built without a permit. You can't claim ignorance. Ms. Courant – I'm not. I'm trying to explain my situation. This unit is mine. I talked to Heather when I came down. I realize there maybe issue but we are address them as best as I can. Michael Croissant – Since 2008, I don't think your trying very hard. Ms. Courant – Excuse me, I was not involved with that stuff back then. Michael Croissant – Have you lived there since 2008? Hellen Budrock – Are you the unit owner or in charge of the whole property? Ms. Courant – The unit owner. Michael Croissant – Have you lived there since 2008 then you're at fault. Paula Kay – The entire colony shares in this. Unfortunately, you are now here because you built without a permit and that raised everything. What happens now is your responsible for the rest of the colony to make sure everything there is up to date. Ms. Courant – I understand and I'm working on it. I've been working on Waste Management for over two weeks to get these containers fixed up. Chairman Kiefer – Does your container have roll off lids? Ms. Courant – Yes. Chairman Kiefer – Those containers bring rates to the area. It was agreed upon that the compactor was supposed to be done. Jim Barnicle – Did you price out other compactor company's? Ms. Courant – I was not involved at that time. I can find that out. In 34 year with my husband and I have never had an issue. Chairman Kiefer – It's the colony's fault. Ms. Courant – And I understand that but I must appeal to the other members. Can we get some kind of waiver for the containers? Paula Kay – You're not authorized to ask for that, maybe Mr. Kohn can.

Hellen Budrock – My suggestion is to go back to the other owner and try and get quotes from other companies. The whole reason you are here is because of the 38' x 16' addition. Ms. Courant – In 2017 when we had that freak tornado. The unit got hit and damaged. We had it assets by the insurance company but was not able to act on it at that time. I had some very personal issue going on at that time and the unit was not my concern at that moment. We did nothing until September and the contactor

drew up the plans and I left everything up to him since I was still having personal issues going on. Now that things have settle down, I came to see Heather and explained my situation. She told me what I needed to do. I contacted Mr. Kohn and we submitted a site plan.

Hellen Budrock – Have there been any fines? Jim Carnell – I don't know. Normally the fee is issued when they come in for the permit. And a lot of time that's when we deal with them. Hellen Budrock – Can the applicant address some of the issue from 2008? Ms. Courant – We did have signage. Paula Kay – We need assurance from the Corporation that all these issues are being handled by the next meeting.

Richard McGoey – Remember the compactor has to be in an enclosure. I don't believe the enclosure that is there is big enough. You had three dumpsters out there and that enclosure is not large enough for three. Ms. Courant – They are gone. I'll talk to Mr. Kohn about the compactor. The other items are being addressed right now. Paula Kay – You need to have those items all addressed before you come back.

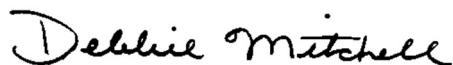
Jim Carnell – Do you know what the construction plans are? Mr. Kohn - I haven't seen any. Jim Carnell – They will need them before they coming to the Building Department.

Arthur Knapp – Do we know who the representative authority of the Colony is? Paula Kay – Mr. Kohn is here to represent them.

Paula Kay – Do you need an engineer? Jim Carnell – We will need a as built plan.

A motion to close the meeting at 8:55 pm was made by Jim Barnicle and seconded by Matthew Sush  
5 In favor; 0 opposed

Respectfully submitted,

A handwritten signature in black ink that reads "Debbie Mitchell". The signature is written in a cursive, flowing style.

Debbie Mitchell  
Secretary  
Town of Thompson Planning Board