

TOWN OF THOMPSON
PLANNING BOARD
March 23, 2022

IN ATTENDANCE: Chairman Matthew Sush
Michael Hoyt Kristin Boyd, Alternate
Kathleen Lara Paula Elaine Kay, Attorney
Arthur Knapp Heather Zangla, Secretary
Jim Carnell, Building, Planning, Zoning Matthew Sickler, Consulting Engineer
Helen Budrock, Sr. Planner, Delaware Engineering

PUBLIC HEARING

KHAIM ROZHIK
349 Cold Spring Road, Monticello, NY
Tim Gottlieb, Project Engineer

Chairman Sush read the legal notice aloud.

Tim Gottlieb – We are here for site plan approval and special use permit to legalize a rental property. The property is currently a seasonal use. The owner of the property has started to clean up and will continue when the weather gets nicer.

The board had no comments.

There was no public comment.

A motion to close the public portion of the meeting and leave the written comment open for 10 days was made by Kathleen Lara and seconded by Michael Hoyt.
5 in favor; 0 opposed

A motion to approve the minutes from January 19, 2022, February 2, 2022, February 23, 2022 and March 9, 2022 was made by Michael Croissant and seconded by Arthur Knapp.
5 in favor; 0 opposed

DISCUSSION ITEMS:

BBIS AUTO AUCTION
Route 17B, Monticello, NY
Ross Winglovitz, Project Engineer

Ross Winglovitz – the last meeting we attended we discussed the wash plant and proposed lighting. The applicant has finished Phase 1. We have decided to move forward with the waste water from the wash bay to go into the septic. At that point, it will be pumped out and disposed of by a company that handles that.

Kathleen Lara – What kind of company handles that? Ross Winglovitz – it is a special company that deals in disposing of the contaminated water. Jim Carnell – Someone like Lang, they have hauled for the town water and sewer department before. Kathleen Lara – are you going to try and use a local company? Ross Winglovitz – yes most likely, if there is someone that can haul it.

Michael Croissant – why have you chosen to go this route instead of the system that reclaims the water? Ross Winglovitz – the cost has prohibited us for doing that kind of system.

Michael Croissant – what time frame are we looking at now? Ross Winglovitz – looking to start back up on March 30, 2022, weather pending.

Kathleen Lara – there is going to be a construction gate at the entrance? Ross Winglovitz – yes and it will be secured.

Chairman Sush – is the storm water management holding up, ok? Ross Winglovitz – yes, there were some issues in the fall, but we remedied them.

Jim Carnell - I recommend to the board that the site plan be flexible within reason. Meaning, if the fencing needs to be relocated it can be without coming back to the board. The board had no issue with that.

The board had no further comments or questions. BBIS will be on the April 13, 2022 for an action item.

GOURMET GLATT

4685 Route 42, Monticello, NY

Joel Kohn, Project Representative

Joel Kohn – At this point, the wetlands have been delineated, grading, utilities and the traffic study have been completed. There are some wetlands that are created by the run off from Route 42. The location of the 4 loading docks have been changed. WE are waiting on the SWPP to be completed. The DOT wants to see the Fraser Road access completely closed and the main entrance will be relocated farther up State Route 42 about 50’ so that when exiting to lot there will not be a backup on the hill coming down to the light.

Joel Kohn - the State DOT doesn't want any landscaping in the ROW. Kathleen Lara – there are plenty of other locations on the site that can be landscaped to make it look nice. Helen Budrock- my experience with working with the DOT and having the landscaping in the ROW is that they allow for some green

infrastructure, like drainage swales. Joel Kohn – we looked into it and there isn't a lot of room, and the state specified that there was to be no landscaping in that area.

Paula Kay – are you addressing any of the concerns such as community character? If you can send that into the board for review. Joel Kohn – that was addressed the last time along with the lighting. The lighting will be in the back of the building. It isn't visible from the road.

Paula Kay – is this a seasonal use ? Joel Kohn – to start out it will be seasonal. If the neighborhood calls for it, they well go year round. Paula Kay – if it is going to be seasonal, we ask that it doesn't look abandoned during the off season,. Please address that on the site plan.

ACTION ITEMS

CLEARVIEW MOUNTAIN COUNTRY CLUB

460 Old Liberty Road, Monticello

Joe Kaufman, Property Representative

We are unable to start the construction before the approvals expire, at this time we are ready to move forward and need to have a 6-month extension until November

A motion to approve a 6-month extension was made by Michael Hoyt and seconded by Arthur Knapp.
5 in favor ; 0 opposed

ICHUD HATALMIDIM

240 Forestburgh Road, Monticello

Tim Gottlieb, Project Engineer

Rabbi Schwartz, Property Representative

Tim Gottlieb – Ichud is looking for a minor modification to the existing site plan. The approvals were for an activity center and they want to replace it with a boy's classroom. Parking has been removed and relocated with the same number of spaces.

Matt Sickler – had no concerns, since it was a previously approved building.

The board had no further comments.

A motion for a minor site plan modification was made by Kathleen Lara and seconded by Michael Croissant.

5 in favor; 0 opposed

SACKETT LAKE LP

Sackett Lake Road, Monticello

Joel Kohn, Project Representative

Steve Barshov

Joel Kohn – this project has been in front of the board it consists of the bungalow colony, retail, a community building and a town house development. Since the last meeting, we have DOH approvals for the wells. We will notify the neighbors of the well testing. There were 3 wells that have been drilled are enough to supply the project. Tonight, I am looking to schedule a public hearing, however there is one issue that needs to be discussed. The bungalow colony is supposed to be two stories as opposed to the one story that is in the definition of the code that has been in place since 2020. This colony will predominately have 2 story structures. This project started 6-7 years ago, and the zoning has changed since then.

Steve Barshov – I think that given what the plan is it requires a site plan review by this board then we need to go to ZBA for an area variance for the number of structures that can be 2 stories. Paula Kay – it is your purgative and you can handle this any way you would like but there is a couple other possibilities for this project, you can create a Planned Unit Development or you could subdivide all the lots and do a subdivision. Helen Budrock – Essentially do a two family, the density is the same for a bungalow colony which is 2 units per acres and a two-family dwelling is 1 per acres, just different setbacks. I would argue it isn't an area variance if anything it would be an interpretation for the ZBA. I don't feel that this request fits into the zone. Steve Barshov – we will look at other configurations that may fit in the zone. I have looked at the local law and it is not different from any other law that has restrictions. If we elect to go down that path, we will go in front of the ZBA for an area variance. Joel Kohn – I think we can look into creating a PUD. Steve Barshov – we will look for the path of least resistance.

Jim Carnell – I will add that as the zoning officer I agree with Paula and Helen, that when you get in front of the Zoning Board, there are several other options and past practice that this is a new project and it should conform to zoning, and the board has been pretty diligent on not wavering from that. If it was a pre-existing project that is one thing. As this project is presented, it doesn't meet the code.

Paula Kay – with the different uses on the project, the PUD will fit perfectly.

Helen Budrock – in the meantime just to keep things going, in the update a traffic study has been completed, does the board want to refer that to the town consultant? Joel Kohn – the board has already approved that. I will forward it to CHA, Jay Patel.

Helen Budrock – also you stated that the fire department had reviewed it, do you have a letter from them? Joel Kohn – I will forward it to the board, I have it in an email.

Joel Kohn – ok, so we will regroup and be in touch for future meetings.

Kathleen Lara - I have read the 239 and in see that the DOT wanted a sidewalk, and for me I think that is almost required on Sackett Lake Road. Joel Kohn - the state almost always requires a sidewalk on the state roads. Keep in mind that there will be a lot of internal walking.

READY MOTOR SPORTS

Serenity Gardens

Michael LaRocca
Mike Watkins

Michael LaRocca – I am looking to construct a garage with office space on the property next to my house. It is for a small fleet of cars that I rent out to the motor club. There is no repair work.

Katheen Lara – is there an HOA? Paula Kay – I assume that Mike Watkins is still part of the HOA? Just have him send in a letter of approval. Mike Watkins - there is no HOA and Michael has our full permission to do what he is looking to do.

Matt Sickler – no bathrooms, is there water to the building? Michael LaRocca – no, my plan is to heat it but no running water. Chairman Sush – if it has an office, does it need a bathroom? Jim Carnell – if it has under a certain amount of cliental, then no. His house is also right next door. Paula Kay – plus it is a private office.

The board had no further questions.

A motion for site plan approval was made by Michael Croissant and seconded by Arthur Knapp.
5 in favor; 0 opposed

ALDIS

Anawana Lake Road, Monticello, NY
Luke Mauro, Project Engineer

Chairman Sush has recused himself. Michael Croissant is acting chairman. Kristin Boyd has been appointed a voting member.

Luke Mauro – we don't really have anything to share. All the information had been submitted at the previous meeting. We are looking for site plan approval and a NEGDEC under SEQR.

Paula Kay – I have been working with Luke on the resolutions. The only thing that I thought we should go through were the conditions. The conditions are pretty standard, but any comments by involved agency, town engineer and subject to approval by me, I have been working on an easement with Jeff Bank for some of the improvements. There is an email from the bank, which agrees in theory, but obviously they want to see it and the payment of all fees to town consultants and site inspection fees which need to be paid prior to commencement of construction. Luke Mauro – I will just note that Jeff Bank is the owner of the property where ALDIS is being constructed so they have been involved in the process they are on board.

Helen Budrock – just want to note that any future access from Route 42 will need Planning Board approvals. Luke Mauro – agreed.

Michael Croissant – there was a letter from Michael Messenger had inquired, has there been any communication with the Village of Monticello regarding fire suppression and domestic water coming,

one from our district and one from the village. Luke Mauro – we have been in contact with the village and coordinated with them and ran a fire flow test. There is no billing design, but they should be aware that this is coming. We hired a third party to do the fire flow
The board had no further questions.

A motion for a NEGDEC was made by Kathleen Lara and seconded by Michael Hoyt.
5 in favor; 0 opposed

A motion for conditional site plan approval with the conditions mentioned by Town Attorney was made by Arthur Knapp and seconded by Michael Hoyt.
5 in favor; 0 opposed

STEVE MOSS CONCESSIONS

Rock Hill Drive, Rock Hill, NY
Steve Moss, Property Owner
Bill Satler, Property Representative

Chairman Sush – should we just jump right it?

A motion to schedule a public hearing on April 13, 2022 was made by Kathleen Lara and seconded by Michael Hoyt.
5 in favor; 0 opposed

AVON PARK

Rock Hill Drive, Rock Hill, NY
George Duke, Project Attorney
Glenn Smith, Project Engineer

Paula Kay and Jim Carnell are recused from this project.

Glenn Smith – we are on the agenda tonight to close the public hearing.

Helen Budrock – do you want to give any updates tonight since we were supposed to have a special meeting last week which had been canceled? George Duke – Well we have been busy with responding to the letters that have been coming in. At this point the letters are repetitive and we would like to have definitive determination from the board as to closing out the public hearing. We will be submitting the written responses to the board. Helen Budrock – it was my understanding that the public hearing was closed and that there was a time frame for written comments that you then would respond to. There is nothing that prohibits the public from commenting. I don't think you need to feel obligated to respond to each and everyone of them. I think the DOT and the Highway Superintendent need to be responded to. Helen Budrock – I think the reason for leaving the public hearing open is that there is a time frame issue because in the code it says that after 62 days after the public hearing the Planning Board has to act on the site plan and special use permit and if they don't it is automatically approved. I think keeping the

public hearing open until you get a little further in the SEQRA process. George Duke – I don't want to confuse the two issues; one is a site plan issue and the other is a SEQRA issue. Larry Wolinsky - respectfully George, Glenn and the Planning Board, I don't feel that the public hearing is ready to be closed, we believe that we should at least have the SEQRA process completed before we close it. There is still some significant issues outstanding, not the least of which are comment letters from the Town Highway Superintendent and the still awaiting comments from the county and State DOT and also the issue of the emergency access entrance and also the issues relating to the off site improvements. There is a possibility that as a result of that, the plan may be altered and if that is the case the public has a right to way in on the changes. The public hearing is not a SEQRA hearing it is a hearing for special use and site plan approval and that is a way from being settled. We feel that the better approach is to have the board keep the hearing open until at least the SEQRA is completed.

George Duke – if I can ask for clarity, Larry, when you say “we” recommend that the public hearing should left open who are you referring to? Is it you or the board? Larry Wolinsky – yes, we are recommending it to the board as consultants to the board. Both counsel and planner are recommending it to the board. George Duke – We have been here in front of the board for 13 public meetings. The project has evolved, it has been crystal clear on what this project is at least since December. It is not clear to me what time frames you are referring to. In the code for site plan and special use but the public hearing was a joint hearing on SEQRA and site plan approval. The comments that are coming in are starting to get repetitive. The public has ample time to respond. If you look at a SEQRA hearing it would have been closed. My point is that I respectfully disagree and that the hearing should be closed to provide clarity.

Kathleen Lara – Us closing the public hearing doesn't impede the project. If they change the plan or project, we can always make them do another public hearing. It isn't stopping the process. Helen Budrock – the applicant would have to agree that the boards hands aren't tied in making a final decision within those 62 days. I think we are close and the traffic is the only issue outstanding. George Duke – we can entertain anything. Larry Wolinsky – when there are this many outstanding issues, I feel that it would be a mistake to close the hearing, that is my legal opinion. Letters that are coming in will probably continue whether the hearing is closed or not. I am worried about the board meeting its legal obligations and we haven't completed the SEQRA process yet. We still have after that to complete the site plan approval and special use permit process. We haven't heard that this project still needs to go in front of the ZBA. We don't know what the out come of that will be. As the Planning Board member just stated, we could always have another public hearing if the project changes considerably, but we already have that change – meaning the letter for the Town that the emergency access road will not be accepted. That answer has not bee provide yet.

Chairman Sush – where in the process does the Town adopt that road? George Duke- the way it works is that the SEQRA needs to be closed out first, then it starts the Site Plan and Special Use. Chairman Sush – if we were going to make that determination at last week's special meeting, why aren't we doing that now? George Duke – no that was a separate hearing. Kathleen Lara – it sounds like no communication.

Larry Wolinsky – get us the proper information and we will proceed. You say that you are going to respond in writing, so respond.

George Duke – how long is a public hearing normally open for? Larry Wolinsky – there is no time frame for that. Again, this is not a SEQRA hearing. We just don't have the information that we need to close anything.

Helen Budrock – George, is your main concern having a cut off for the incoming letters to respond to? George Duke – yes. Helen Budrock – is there a way for the board to establish a cut off date so that the responses to the public can end. Larry Wolinsky – there is no legal obligation to respond to the letters from the public. The board hasn't directed the applicant to do so.

George Duke – we will continue to respond to the comments, we need to close out the SEQRA component of this, we need to put an end to this to hopefully make a determination of significance so that it opens the door to address the site plan and special use.

Helen Budrock - I think the board still has questions that would have been answered last week. George Duke – with these constant letters that are coming in we can't end it. Larry Wolinsky – the project needed approvals from offsite agencies from the beginning. We don't know what happened, but now we have the questions and comments that now need to be answered.

Helen Budrock – the board was looking to make 1 of 3 decisions last week. Either NEGDEC, POSDEC, or need more information. Those are still the options and in my mind that is what still needs to be decided.

Chairman Sush – there were a few items to be discussed. Obviously, traffic was one of them and the feasibility of being able to make the improvements on surrounding streets. George Duke – the town consultant has already responded to you and they were all in the right of way. Larry Wolinsky – I thought that our consultant said that you couldn't say it was in the Right of Way without a survey. Helen Budrock – I think he signed off on the impact study but one concern was that it wasn't based on an actual survey. George Duke - I am not prepared to talk about the traffic at this point.

George Duke - to move forward from here, I need to speak to my client and see what they are willing to do. We are prepared to have the comments addressed in writing, other than that I leave it up to the board to either reschedule another time to walk through the process.

Helen Budrock – Maybe you can get specific details together for the board so that they could review it for more answers.

Helen Budrock – Did DOT submit their comments on traffic? George Duke – no they have submitted their information. Kathleen Lara – I think it is the 239 that we are still waiting for. Larry Wolinsky – I haven't seen the written DOT comments. George Duke – we will get that to you. I believe it came in last week. Helen Budrock – so you will send in the comments from DOT and the written response to the Highway Department, does the board feel that they need more detail on the offsite improvements and if they can fit in the Right of Way or do you think what has been submitted is enough information to make a determination?

Matt Sickler - was there a sketch or an ariel? Helen Budrock – that is the case, it was just that, not a survey.

Helen Budrock – I may be mistaken, but did the town’s traffic consultant Jay, after the latest round of responses did some more calculations and questioned if all the left turn lanes were required. I believe that is still out there. George Duke – yes, Carlito and Jay have been dealing with that.

Helen Budrock – getting back to the issue at hand, closing the public hearing, I think the applicant has a good idea what the board is looking for. The board has 2 choices either decide to leave the hearing open until you are ready to make a determination of significance or maybe if the applicant goes back and gets a commitment to reopen the hearing.

Matt Sickler – all the required information was in the SWPP, just minor things need to be added. As far as the SEQRA it is fine.

Helen Budrock – just to be clear there is no plan to tree clear. Larry Wolinsky – the town’s position on that was there was to be no clearing or tree felling until there was an approval, that would need to be taken care of with the building department.

Chairman Sush – who will pay for the road improvements? George Duke – the applicant will. Larry Wolinsky – the traffic improvements and the emergency access, you have the highway superintendent saying they won’t accept that. If you want to reach out to the Town Board to see if there is a different opinion on that. That is the kind of information that we need. Everything needs to be settled and buttoned up.

Helen Budrock – there was also one other minor issue regarding noise. I know the consultants concluded that the existing tree buffer would mitigate any sort of impact to that neighboring residence but there was some confusion as to whether or not you would be willing to put a note on the plans that it would basically be preserved. Have a limited disturbance line. There was an option of doing a noise wall. George Duke – that line will absolutely be shown. Larry Wolinsky – you need to decide what you are doing. Either keep the buffer or build something to mitigate the noise.

Chairman Sush –there is currently an issue with tractor trailers parking on that road. If there was an alternate off-site parking area for their business to accept them into the site. DebEl is parking there and they don’t seem to care. It is a police issue. George Duke – if our client is willing to help and find a spot for the trucks, he is willing to do that. Chairman Sush – it isn’t this projects trucks but it may be a help.

Helen Budrock – we can put you on the April 13, 2022 meeting for an action item. A reminder was made when to have the information into the board.

A motion to adjourn the meeting was made by Kathleen Lara and seconded by Arthur Knapp.
5 in favor; 0 opposed

Respectfully submitted,
Heather Zangla

Secretary
Town of Thompson Planning Board