

APPROVED

TOWN OF THOMPSON
PLANNING BOARD
December 27, 2023

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

Chairman Lara brought the meeting to order at 7:00 pm with a pledge to the flag.

Chairman Lara appointed Christina Cellini as a voting member for this meeting.

There was a technical issue with the Board hearing the people attending via Zoom and vice versa. Again, everyone was advised that the Zoom option is only a curtesy extended and the actual meeting is the in-person meeting.

ACTION ITEMS:

CONCORD FAIRWAYS

Concord Road, Monticello, NY
Henry Zabatta, Project attorney

Henry Zabatta attended the meeting via Zoom to request another six-month extension, but was unable to be heard or hear the Board. As the Board is very familiar with this project and Matt Sickler explained that he is working with the applicant on the map plan and report to annex into the Adalar water district, they were agreeable to granting the six-month extension being requested.

A motion to approve a six-month extension, making the new expiration date June 23, 2024, was made by Michael Hoyt and second by Arthur Knapp.
All in favor, 0 opposed.

THOMPSON SQUARE MALL

State Route 42, Monticello, NY
Adam Wexstein, Project representative

Adam Wexstein attended the meeting via Zoom to request a one-year extension, but could not be heard or hear the Board. As the Board is comfortable with this project and the progress they have made, they were

agreeable to grant the one-year extension being requested.

A motion to approve a one-year extension, making the new expiration date December 27, 2024, was made by Kristin Boyd and second by Arthur Knapp.

All in favor, 0 opposed.

VIZNITZ INT. - SCHOOL

24-32 Gibber Road, Kiamesha Lake, NY

Naftuli Neiman, Project representative

Naftuli Neiman – We are here tonight to ask for an extension. We received conditional approval a year ago and had to work on things like a landscaping and lighting plan, grading of the property, and the SWPP. We have completed the landscaping and lighting plan, which have not been submitted yet, but are still working on the other things. Due to the property being a steep hill, the SWPP is taking longer than we thought. We had to discuss things like, possibly adding a retaining wall or redesigning the building, to get the results we need. That has been worked out and we should have plans to submit to the town engineer by the end of January.

Chairman Lara – What about water? Naftuli Neiman – We have an agreement with the neighbor for water, which I have discussed with Jim. Chairman Lara – An easement? Naftuli Neiman – Yes, so that we can dig well.

Chairman Lara – Matt, do you have anything to add? Matt Sickler – No. I think that is an accurate description of where we stand with satisfying the conditions.

Chairman Lara – Paula, do you think six months is feasible? Paula Kay – The worst that can happen is they would have to come back and request another extension.

No further questions or comments from the Board.

A motion to approve a six-month extension, making the new expiration date March 14, 2024, was made by Arthur Knapp and second by Michael Hoyt.

All in favor, 0 opposed.

GARY SMITH

101 Katrina Falls Road, Rock Hill, NY

Glenn Smith, Project representative

Jim Carnell was recused.

Glenn Smith – The applicant has an 856 sq. ft. garage on the back of this property and has applied for a building permit to put a 12'x24' addition on to it. However, that would make the garage over the 1,000 sq. ft. permitted in the zone and therefore requires Planning Board approval for an oversized garage. Also, the existing garage already encroaches in the rear yard setback and therefore the addition will too and it is my understanding that this Board can waive the required variance for that as well.

Christina Cellini – Is the garage just one floor? Glenn Smith – Yes.

No further questions or comment from the Board.

A motion to approve the site plan, for an oversized garage, and the rear yard setback was made by Michael Hoyt and second by Arthur Knapp.

All in favor, 0 opposed.

JUMPCHA PICNIC GROVE

410 State Route 17B, Monticello, NY

Mayer Lipenstein, Project representative

Mayer Lipenstein – We are here tonight because we want to add an office building to the property.

Chairman Lara – Will the building be movable? Mayer Lipenstein – No. Chairman Lara – So, it will be a stick built, stationary structure? Mayer Lipenstein – Yes.

Chairman Lara – Jim, do you have any comments? Jim Carnell – No. It has been added to the site plan, is well within the setbacks, and does not seem like it would interfere with any of the operations or parking.

Chairman Lara – Okay and they already water and sewer for this project.

Chairman Lara – Helen, this doesn't need a NEG DEC, right? Helen Budrock – Right, but my notes do indicate that this is a special use and that the applicants were to come back after the first year of operations. Chairman Lara – Did you guys run this summer? Mayer Lipenstein – Yes. Chairman Lara – Okay, so can we also approve that tonight? Helen Budrock – As long as there were no complaints made.

Chairman Lara – Good point, but there were none that we heard of.

No further questions or comments from the Board.

A motion to approve the minor modification to the previously approved site plan was made by Christina Cellini and second by Kristin Boyd.

A motion to approve the special use permit was made by Arthur Knapp and second by Christina Cellini.

All in favor, 0 opposed.

BBIS AUTO AUCTION

State Route 17B, Monticello, NY

Zach Szabo, Project representative

Zach Szabo – Last we were here we were discussing an amendment to the plan regarding a larger area in phase III, which was originally part of the approved plan. Since then, phase II was built out and we received the deficiency listing from Dave Fritz, which questioned the stock pile on the site. That is why we are here tonight seeking modification.

Chairman Lara – It's really more like a mountain, but I appreciate your engineering terms. Zach Szabo – That is why I am here tonight to answer any questions in regards to that or give a little back ground as to what that area is. Chairman Lara – Yes, please. Zach Szabo – On the approved site plans, the pavement

area is compacted subgrade, which is earth, and then there's item on top of that, which is then compacted. The areas in which we couldn't reach compaction rates, we had to remove that material and then install new material to reach the standard compaction rates. That excess soil had to go somewhere else, so it was put where the stock pile is, which has been stabilized and benched. Essentially that area was part of the original approved plans, so the disturbance area was already approved and those trees were knocked down back in 2020. We did not create any additional disturbance and we intend the stock pile to stay as it is, so that is why we are here tonight looking to amend the site plan to include it. We also provided an as built survey including the stock pile, showing the existing conditions of the site now. Chairman Lara – I think the biggest reason why you are here tonight, is because you can see it from the road and people ask questions. I don't think that it looks bad and I think they did a nice job of making it look like it has always been there. However, it is noticeable big and one day its not there and the next day it is and I think that is why we asked you to come back. It sounds like it is essentially just a pile of dirt and can be moved if it had to be, right? Zach Szabo – Correct. Jim Carnell – If this is not just a temporary location for the stock pile and it will always remain, do we need to take another look at the SWPP to make sure there is no long-term effect. Is there anything that now needs to be modified so that the SWPP can be closed out when everything is completed? Zach Szabo – It is proposed to be remaining and I do believe it would require a SWPP amendment, so we can definitely supply that. Matt Sickler – Right. I don't think there will be any significant changes to the features and the disturbance area was already there, but the SWPP should still be updated to reflect the current conditions.

Michael Hoyt – I know you are not involved in the daily operations, but do you know primarily what they are doing there now? Is it still just cars? Zach Szabo – Yes, it is still just cars. There are other vehicles on site, such as trucks and motorcycles, but yes, it is still the same use. I believe the company that was occupying IAA was bought out, so there is a new occupant there, but still under the same ownership at this point. Michael Hoyt – What are the yellow freight trailers that are on the site? The ones that make it kind of look like a transfer station. Zach Szabo - I am not aware of the freight trailers, but it is definitely not a transfer station. They might be damaged and for sale. Michael Hoyt – You can see it right from 17B and there are quite a few trailers sitting there. Lately you see that a lot of these companies will stop at a truck stop, switch trailers, and then take off. None of the trailers look damaged, so I was curious to see if that is what is going on there. Zach Szabo – I don't think that is the case. Chairman Lara – You don't have to give us an answer tonight, but just look into it and get back to us. Michael Hoyt – If that is something they are doing, they might want to modify the site plan to included that as well and maybe keep it to the other end of the property, so that trucks won't be going in and out too close to the residential side. Jim Carnell – There is only one entrance that they could access and that is a locked gate. I don't think they would allow that type of activity within the gates knowing how insurance companies are and how secure it has to be within the gates. Michael Hoyt – But if they are, it is happening right in front of the residences and would probably be creating quite a bit of noise. Some of the trailers were unmarked, but it seems to be about a dozen yellow freight trailers there. They could all just be damaged, but we need to know.

No further questions or comments from the Board

A motion to approve the minor modification to the previously approved site plan, subject to Matt Sickler's review of the modified SWPP, was made by Kristin Boyd and second by Arthur Knapp.
All in favor, 0 opposed.

BIRCHWOOD – LEARNING CENTER

Sackett Lake Road & Rod and Gun Club Road, Monticello, NY
Glenn Smith, Project engineer

Glenn Smith – We are here tonight for a modification to the Birchwood Learning Center, which is the boys camp and not part of the Birchwood Development. Last year the Board approved a new 60'x65' library building at the back of the site, which has been built, and last fall also approved a bunk house for a maximum of 20 beds, which replaced two former bunk houses with 10 beds each. Right now, there is a capacity for 80 beds, a pool, a recreational building, and things like that. The original plans approved in 2013 had a dinning hall on the property, which was never built and they boys have been eating in the basement of the community building in the Birchwood Development. So, we are here because they want to add a dinning hall and a prep area in the basement of the library. I sent around pictures of the space down there and it is pretty expansive. They would also like to add 12 more beds in the basement of the bunk house with 20 beds. Which is also a pretty large space, but the water storage tank for the sprinkler system is down there, so they can only fit 12 beds. They are essentially adding 16 beds to the 80 that are approved there now. They have two artesian wells on the property and the original DOH approval included 4 or 5 staff houses on the property, that have never and will never be built, so there is plenty of water. Even with the additional 16 beds, they are still using less water than what DOH had originally approved. If you want me to get something from the DOH on that I will. Matt Sickler – Maybe summarize what you just said and get some kind of correspondence to the Building Department and myself showing your calculations of what the current bed count is and what was approved by the DOH. Glenn Smith – Okay.

Paula Kay – Do you know what Birchwood's plan now is for what was the temporary dinning area for the Learning Center? Glenn Smith – I don't know. It was originally set up for storage and education use, but I can find out for you.

Matt Sickler – There new plans look like there will now be some counter space with a couple sinks, so you might just want to reach out to Mike Messenger to see if he would prefer some kind of pre-strap or something like that. That way we know the sewer end of this is covered too. Glenn Smith – Okay. I will reach out to him.

Christina Cellini – Do you know why there is water on the basement floor in the pictures that you submitted? Glenn Smith – There is a storage tank down there, so maybe there is some leakage, but I will find out. Christina Cellini – Okay, because it looks like there is also water in the basement of the library as well, so both buildings.

Glenn Smith – I don't know if this would need a public hearing. It is just a modification to the plan and I don't believe it is a special use. Paula Kay – It's really a minor modification and I don't think any of the changes rises to a level of impact where you would need a public hearing, especially because it is within an existing community.

No further questions or comments from the Board.

A motion to approve the minor modification to the previously approved site plan, subject to receiving the water use break down, was made by Kristin Boyd and second by Michael Hoyt.
All in favor, 0 opposed.

HAMASPIK RESORT

283 Rock Hill Drive, Rock Hill, NY
Joel Kohn, Project representative

Christine Cellini was recused.

Joel Kohn – Hamaspiik has purchased the property next door, that had the restaurant, and they have now come up with a new access plan that will provide better over all access and circulation. We are here tonight looking to modify the site plan so that the access will now be from the property with the restaurant and then go around the building.

Helen Budrock shared the previously approved and the modified site plan side by side to compare the changes.

Chairman Lara – Matt, can you talk about your comments on this please. Matt Sickler – You can not see it on the plan that is being displayed, but on left hand side there is an access drive being added to the rear of the building and a proposed retaining wall to go along with that. I think the height of that retaining wall ranges from around 2 feet to around 12.5 feet at its highest point. So, that is something else that is new to the site and may be visible from the road or neighboring properties. The note on the plan states it will be “designed by others” and I think the actual structural design will be picked up by the building department, but as far as the material chosen and the appearance of it, this Board may be interested in that. Is it going to be the large concrete blocks or maybe the smaller textured units. Joel Kohn – I can answer that and it is going to be a landscaping wall, which is the smaller stone. Matt Sickler – Okay, maybe the Board would like to see some pictures of that. Chairman Lara – I am more concerned that it appears to be right on top of the neighboring residential property. I know Hamaspiik has been good neighbors, but is there no other options? Joel Kohn – The retaining wall would be needed to add the road to go around the building. That road is only a one-way road and it will definitely provide better emergency access and circulation. Michael Hoyt – Has the emergency experts given their opinion on that? Chairman Lara – I think that is something we should ask them. Michael Hoyt – Have you reached out to the fire department yet? Joel Kohn – No, but we can. Jim Carnell – I can say that when this project was originally in front of the Board, the fire department did have some concerns with the access proposed at that time as it was a little tight between the two buildings and they were hopeful that the project could come up with some better access. Chairman Lara – Right. I am aware and acknowledge that this project has never had the best access. Jim Carnell – And just to touch on what Matt was saying about the retaining wall, anything more than 4 feet tall will require fall protection and I did not see anything in the plan regarding the wall or any safety measures. Joel Kohn – We can provide a retaining wall design to the building department or to the engineer, whichever you prefer, for review. But like I said, it will be a landscaping wall so it will be a lot nicer than concrete blocks. It is also going to be more than 300 feet off the road and nowhere near the neighboring house. Paula Kay – I do think it will be more helpful to show the Board what it is going to look like and any landscaping that may also be added. Joel Kohn – Sure. Chairman Lara – And I would like to also hear what the fire department has to say before any kind of approval because they were very vocal about the access to this site.

Chairman Lara – Joel, I did speak to you a little bit before the meeting about the lights in the back of the property. There were some neighbors complaining that they are very bright and on all the time. I don’t know if you have a chance to discuss that with your client yet. Joel Kohn – I don’t know what lighting you are referring to. Michael Hoyt – It looks like there may only be one light back there, but it is lighting everything up. Joel Kohn – What exactly is it? Michael Hoyt – It looks like some portable lighting that has been set up back there and it was on when I came through there tonight. Joel Kohn – Okay. I will make a note of that and will make sure they get turned off at night. By the way, you don’t have to wait until a meeting to mention something like that. I can give you the phone number for the site manager, that way things like this can be discussed as they come up. Chairman Lara – Joel did mention to me today that the applicant is very open to receiving phone calls and I know this isn’t a public hearing, but people are free to

call them anytime there is a concern. Paula Kay – Is there a specific person that people should contact? Joel Kohn – It will be Joseph Grunhut, who is the contractor onsite. Paula Kay – And how should they contact him? Joel Kohn – His number is 518-276-4424.

Chairman Lara – There were also people asking if the siding of the building is going to stay black. Joel Kohn – No. The black material currently there is for waterproofing the building and it is an expensive one, but they want it to last. We have provided a rendering of the building, which is on the Google Drive, for anyone who wants to see what the finished building will look like.

Helen Budrock shared the rendering for everyone to see.

Joel Kohn – In terms of the entrance of the building, the main entrance will still be kind of on the side of the building, but they are now making the front side of the building, facing Rock Hill Drive, also look like an entrance, since they now own the next property as well. So, it will look like an entrance, but it will not serve as the main entrance. Matt Sickler – Is that where the steps are going up now? Joel Kohn - Yes. Matt Sickler – So, we should also talk about just general circulation, now that the two properties have been merged and the entrance to the building being on the opposite side of the property. Really the front of the restaurant site is all open and normally you would try to limit access to two points along the frontage. I don't know if that is necessary here or something the Board wants to talk about. Also, I am assuming they would keep the existing parking on the restaurant property to utilize, but that is not something that was mentioned on the plans. Helen Budrock – And now that the front of the building is going to serve as an entrance, even if it is not the main entrance, maybe we need to see the integration for parking and pedestrian crossing along the front there; this way we can see if there will be any conflicts. As well as some additional landscaping. I know originally there was going to be some landscaping done to separate the two properties, but now that they are being integrated, maybe there is a way to add some landscaping back into that side. Joel Kohn – We can show some landscaping. Matt Sickler – And maybe show what is going to be curbed through there. Helen Budrock – At the moment the only way to access the building is through the main resort entrance, correct? Joel Kohn – Correct. Helen Budrock – So, it there going to be through traffic through the restaurant parking lot? Do you think people will also be going through that parking lot to access the building; making to points of entry? Joel Kohn – They might. Michael Hoyt – It seems to be pretty secure all the time and the gates are closed, so I think that will help with traffic being all over the place. Matt Sickler – Will the restaurant entrance also be gated? Joel Kohn – No, that entrance won't be gated. Jim Carnell – Okay and the original plans showed that the fencing along the front was going to kind of separate the two parcels; are they going to keep it that way? Joel Kohn – I don't know, but I will find out.

Chairman Lara – I had a conversation with County Planning today and even though there is currently an active agreement for the sprinkler system, for the ballroom, it sounds like the County does not want to enter into a new agreement. Nothing against Hamaspik, they just don't want to handle the water anymore. With that being said, what is plan B for the sprinkler system? Joel Kohn – From what I understand the County is in the process of transferring the water company over to the town, but that could take a year or so to do. As you may recall from the original review, along with the sprinkler system design there was a proposed storage tank for water storage. This was in case the sprinkler system agreement was not in place by the time they were ready to open the building. So, if they know that they cannot get an agreement in place by the time that they are close to finishing the building and getting a C of O, they can put in the storage tank and fire pumps so that there is an operating sprinkler system. Helen Budrock – Can we include that as part of the resolution? Joel Kohn – I have a letter to that effect from the sprinkler company about the storage tanks. Chairman Lara – Because the sprinkler system has to be in the building no matter what, right? Joel Kohn – Right and the sprinklers are there, the question is just where the water supply is going to

come from. Matt Sickler – Will the tank be in the basement? Joel Kohn – The tanks will be temporarily outside. Matt Sickler – Okay. Maybe when you come back you can show the potential tank location and maybe a ball park size, so the Board knows how tall this tank might be. Joel Kohn – It is 13,000 gallons. Matt Sickler – Okay, so it not that big. Chairman Lara – Okay.

Paula Kay – Matt, did you also have a comment in regards to the sewer and Mike Messenger? Matt Sickler – Yes. The proposed sewer connection, from the previous location, is only one manhole and I don't see why it would be an issue, but I would be more comfortable if you got Mike Messenger's okay on that. Also, I noticed, and maybe it was an oversight, but previously on the north end of the building there was a playground area and that the label has been removed, but the place is still there. Then there is the area to the east that is labeled "clear for play area", is the intention now to put the playground equipment over there? Joel Kohn – As I believe most of the Planning Board know or have seen firsthand, the equipment has already been installed in the area that says "clear for playground". Matt Sickler – Okay. Chairman Lara – That should be a simple fix. Joel Kohn – Right, we can go back and relabel that. Chairman Lara – Okay and just for the record it is probably one of the nicest playgrounds I have even seen.

No further questions or comments from the Board.

Chairman Lara – It sounds like there will not any approval tonight. Do you think you will be ready to come back in 2 weeks? Joel Kohn – Yes. Hopefully we should have everything addressed by then.

DISCUSSION/POTENTIAL ACTION ITEMS
(as determined by the board):

SILAS MANOR

Old Sackett Road, Rock Hill, NY
Earl Silas, applicant
Brad Cleverly, Project engineer

Michael Hoyt was recused.

Brad Cleverly – When we were here last in August, we presented at the public hearing, which was both opened up to the public for comment and closed that night. Since that time, we have responded to your engineers' comments and the comments submitted to the Board by MNTM. We also revised the EAF and prepared the SWPP.

Chairman Lara – What about water and sewer? Earl Silas – We have had conversations with the Emerald Green Water Department and will be working with them for water. Chairman Lara – That's awesome. Paula Kay – It really is. Earl Silas – We are going to bring it in off of the main road and we have already been in touch with Mike Messenger, so he is in the loop with that. Also, we will be working closely with him as he was very specific about some equipment, he wanted us to use and include.

Chairman Lara – Any comments Matt? Matt Sickler – A SWPP was submitted, which we had indicated would be necessary for the Board to get through the SEQR process. With the holidays I have not been able to fully review it yet, but basically it appears the areas you would expect and require are there and the

information has been presented. The only issue I ran into while looking at a couple of the responses I was that I couldn't find the updated site plan map. The SWPP had drainage area maps and things like that, but I did not find the updated site plan to reference. Other than that, the responses look good. I think the one question you may still need resolved is the easement the adjoining property stated exists. Brad Cleverly – We looked, but we could not find anything on an easement, so I feel they should have to provide proof if they say it's there. Chairman Lara – Paula, what should we do about that? They came to the public hearing and raised the issue, but did not come with proof. Paula Kay – I think in similar instances, we, being the Town, has reached out so that we could put the matter to bed. So, we can do that. Earl Silas – We did reach out to a title company, but they couldn't find anything. Paula Kay – Do you know who that was? Earl Silas – No, but they were local and I will find out for you.

Chairman Lara – Did you mention what you were doing for sewer? Earl Silas – We will be getting sewer from Town services. Matt Sickler – Mike Messenger and I have met with Pat Hutton and went through the equipment that the Town is trying to standardize around. There are 39 pump stations and it is important to the town that they all have the same make of equipment. This helps them stock in parts for future repairs. We have gone through all of that and it does not seem like they will have any issues providing it.

Chairman Lara – Paula, what do you think? Paula Kay – I think the applicant has addressed everything that has been asked and has been very thorough. The Board can certainly act and can act subject to things like the review of the SWPP and the potential easement. Matt Sickler – There are also some outstanding sewer improvements that will need DEC approval and DOH approval for the water extension. So, if you choose to act, I think it would be appropriate that it be subject to getting those approvals and coming back with a revised site plan showing any changes, that may be involved with those, for your final approval. Paula Kay – And again this is a project that was previously approved and now has actually been improved because of the water supply. Chairman Lara – I was also going to say that. Helen Budrock – Since we just received the updated EAF, do we want to take the time to fill out parts II and III and do a formal Neg Dec resolution giving the past history? Paula Kay – Yes, absolutely. Helen Budrock – Even if it takes a couple of weeks, we can make sure we all the proper environmental information in place, which I believe is really only the storm water management. Paula Kay – Normally we do two resolutions, one for the Neg Dec and one for the subdivision approval, which the applicant prepare and I review with Hellen and Matt. Are comfortable with doing that? Brad Cleverly – Certainly. Paula Kay – In fact you have something to work with from the prior approval for Cherry Valley.

Chairman Lara – So, it seems like this could be all completed within the next two weeks. You guys are almost there and we really appreciate all of you hard work; it was not an easy public hearing. Paula Kay – The next meeting is January 10th, does that work for you guys? Earl Silas – When would you need the resolutions by? Paula Kay – Next Wednesday if possible. Brad Cleverly – We will work to get it to you by then and we would be coming back for preliminary approval, right? Paula Kay – Yes. Chairman Lara – Alright, then we will see you guys in two weeks.

E TETZ & SONS

Starlight Road & State Route 17B, Monticello, NY
Kyle Crossett, Special Projects Manager

Kyle Crossett – We are here as a follow up meeting for the public hearing meeting we attended on November 8th, where we received comments and questions from the public. The public comment period was closed that night so we took the comments and aggregated them into generalized concerns and responded to them in a letter dated December 1st. We did receive the comments from the town engineer

this afternoon and there were some minor issues with the site plan. Pending the submission of those revisions and any additional comments the Board may have, I would like to petition the Board for a conditional approval if possible.

Chairman Lara – I read the response submitted and I think you did a great job responding to the public and liked the way you set that up.

Chairman Lara – Matt, can you explain your comments for us? Matt Sickler – Basically the plans that have been submitted as part of the application do the job of showing the current mining areas and the proposed areas. They also provided a reclamation plan, which is all part of the mining process and what your ordinances require. When it comes to actual site plan approval, 250-50 of your ordinances has a list of administrative items that we typically see on a site plan that receives final approval. There is not a whole lot of them, but it is basic info I think should be on the plan before it is approved and signed. Kyle Crossett - Before I came here, I pulled the code and section one is Legal Data and section two is National Features, which is appropriate for this project, but existing structures and utilities seem more like a construction job. Matt Sickler – Right and not all of them will be applicable to every project, but there are some that I think would be good to put on the map prior to formal approval. Chairman Lara – If the Board were to approve, would you be okay with that being subject to your review? Matt Sickler – I'd be fine with that because the information is presented on the current plans and it shows the extent and scope of the work that is going to take place. Chairman Lara – Okay.

Chairman Lara – Paula, we are kind of the last step for this project, right? Paula Kay – Normally this Board would take the steps to become Lead Agency, but in this case, DEC has already preempted and has done the Lead Agency review and has already made their determination. Chairman Lara – And that determination was that it was okay, right. Paula Kay – Right. Helen Budrock – They issued a negative declaration. Kyle Crossett – Right and we already have a modified mining permit from the state. Chairman Lara – Right and I know you said that at the meeting last time, but I think it is important to say for the record again. Paula Kay – A lot of the concerns and questions from the public were related to the environment and there was an environmental review already done by DEC and the applicant did respond both before DEC and in the letter dated December 1st.

No further questions or comments from the Board.

A motion to approve the modified site plan, subject to Matt Sickler's review of the revised plans, was made by Michael Hoyt and second by Arthur Knapp.

All in favor, 0 opposed.

EXPRESS BSD

4682 State Route 42, Kiamesha Lake, NY

Joel Kohn, Project representative

Maria Zeno, Project attorney

This project did not have renderings yet to come back to the Board with. They asked to be removed from tonight's meeting and be added to the next meeting in 2 weeks.

GARDEN COTTAGES

Varnell Road, Monticello, NY

Joel Kohn, Project representative

Joel Kohn – This is an existing bungalow colony on Varnell Road and I guess a bunch of units have been added through out the years. So, we updated the site plan to show everything that has been changed on the site in the last 20 years. Almost every unit had an addition and most were done without permits. Violations were issued and the owner was brought into court. They are now here in front of the Board to rectify some of those violations with a modified site plan. So, there was a new site plan and survey done and this project will need quite a few variances because it is in the SR zone and this is a non-conforming use in that zone. They were only allowed 15% or 200 sq. ft. additions, which ever one is greater, and most of the additions exceed that. Also, some of the units are closer than 25 feet to each other, so those will need variances as well. Tonight, we are essentially here to be denied and refereed to the Zoning Board and to see if this Board has any other input. That way we can also have those addressed before we come back here to this Board, hopefully in a month or two.

Michael Hoyt – What is the stack of papers Jim brought? Jim Carnell – These are all of the violations and stop work orders and proof of service on the corporation. It looks like there were violations on units 1, 2, 3, 4, 7, 8, 11, 12, 14, 15, 17, 20, and 24. They were all building without permits and were issued violations and stop work orders. They continued to work, so at that point we took them to court. As far as what is being presented, the only thing I wanted to bring up is that they are going to do a lot line change to accommodate for the additions added to units 1/2 and 3/4. Joel Kohn – To shed some light on that the building was already built over the property line and there was an easement for around it. I suggested a lot line change to clean it up a little and now giving the building at least 5 feet from the property line. Jim Carnell – With that said, the adjoining property is also a colony and what I would prefer to see added to the plans is any other improvements that may have been made on their side in proximity to where the new lot line is proposed to be. That way we make sure we maintain the proper distance between the two colonies and their buildings. Also, having spent a lot of time in front of the Zoning Board, I don't know that they are going to approve this with only proposing a 5-foot setback. If you are already doing a lot line change to get the 5 feet, why not ask for 10 or even 15 feet to try to get closer to the requirements. Joel Kohn – Being this is not a permitted use in the zone, so there is technically no bulk table for it and, again, the building was already over the property line even with the last approved site plan. With this proposed lot line change they will at least now be 5 feet from the line, so it will be an improvement. Jim Carnell – I'm just saying if you are trying to do a new lot line and presenting it to the ZBA, they may not be all warm and fuzzy about a 5-foot setback. I don't know for sure, but I am going off of previous experience with situations similar to this. Joel Kohn – I get that, but I don't understand why there would need to be a variance for that lot line change. I don't see a need for a request for that, do you? What would they ask for a request for; from what to what? Jim Carnell – I know it is not a permitted use in the zone so there is no required standard, but the more distance you can get the better. Joel Kohn – It is an improvement from what was there. I understand your concern and I can have a discussion with the owners to see if there is anyway to push it out more and what the adjoining property is willing to give up for this project. I don't see it as being a ZBA issue, but more of a Planning Board matter, so if you guys would like to see 10 feet, I will tell them that. Paula Kay – I think the goal here is to clean up these buildings without permits, so I think it will be helpful to the Zoning Board if you guys gave a recommendation or put some language together to say you are in favor of this process happening. I think the ZBA is going to see this and see all of these illegal additions and generally wouldn't look favorably on that. Chairman Lara – Joel, the units that are encroaching on the other lot, did they have illegal additions put on them? Joel Kohn – Yes. Chairman Lara – Okay, because I felt a little comfortable saying they were already there and had an easement, but that is not the case. Paula Kay – Right. Chairman Lara – Was the easement specific on how far they were allowed to encroach? Joel Kohn – It was a 3-foot-wide permanent easement for duplex bungalow 1 & 2. Chairman Lara – Okay, and they are way past that now. Joel Kohn – That is why they are now proposing the lot line

change, so that they will no longer be over the property line, but 5 feet from it. Chairman Lara – I agree that the goal is to get this cleaned up and I want your client to know that we are a lovely Board and we don't want them to keep doing this so they should just come to us first. And I know it's hard to ask a neighbor to give you more land, but it is annoying to have a house right on top of another house and we don't know where the closest house is on the other property. Helen Budrock – How recent were the additions put on these units? Joel Kohn – Last summer. Helen Budrock – Were all of the illegal additions done at the same time? Joel Kohn – No. I think 7 or so were. Helen Budrock – No matter what recommendation this Board makes to the ZBA, I think that it is important to point out that the code allows a one time 15% expansion and, in many cases, they are over that. So, it needs to be clear that even though this Board is making a recommendation to the ZBA to see this property cleaned up, that does not give them free range to now do more additions in the future. They got more than the 15% allowed and that is it. Jim Carnell – This is still pending in court and part of the court stipulation is that this project come in front of this Board and request any necessary variances they may need to get and I know that there are some issues with some of the construction that will also need to be addressed. Hellen Budrock – So, having some of these removed is not off of the table in terms of the illegal additions? Jim Carnell – Whatever this Board and the ZBA decide. Paula Kay – Jim, were people living in these units? Jim Carnell – I don't know for sure, but I definitely suspect so. Michael Hoyt – Just the two over the property line? Jim Carnell – I believe all of the units were occupied the past summer. At this time the town has not moved to seek injunctive action, but that is certainly an option at this point. Chairman Lara – Honestly, the rest of the lot does not bother me as much as the two encroaching units. Michael actually pulled the properties up on Google Maps and looking at it, it does not appear there is anything close to these on the other side. So, I'm not saying change the whole lot line, but anything we can do to make it better than what is being proposed. Joel Kohn – What would the Board consider a reasonable distance? I can then go back to my client with that and he can see if something can be worked out. Arthur Knapp – What would the side yard setback be if this was in a conforming zone? Jim Carnell – The side yard for a bungalow colony would be 50 feet. Joel Kohn – But, again this is not a conforming use. Jim Carnell – For the fire code, I believe there needs to be at least 20 feet for access. Is there any fence there? Joel Kohn – No, I don't think so, but I will check. Jim Carnell – So, maybe at least enough room for emergency access. Chairman Lara – I just don't think it is fair to the neighboring property to have these units right on top of the property line, but that is just my opinion. Joel Kohn – Also remember that the neighboring property is also a bungalow colony and is also a non-conforming use, so I don't see them adding any additions or building to bring them any closer to the property line. Chairman Lara – Unless they knock them all down and go condo. Johl Kohn – True. Chairman Lara – And I'm not being difficult, I'm just saying there are other options and possibilities. Michael Hoyt – is there common ownership here? Joel Kohn – No. Michael Hoyt – Do they have anything going on next door? Jim Carnell – They are having the same problems. Joel Kohn – They are but, I don't know the deal being worked out for them. Chairman Lara – So, what I'm hearing is that 20 feet would be the best and it can't hurt to ask. Plus, they were all building without permits and made these mistakes and we are here trying to work with them to clean it up so I feel they should do their best to work with us as well. And I know it's not you Joel. Arthur Knapp – I worry about the fire code and there being enough access. Michael Hoyt – It looks like there is barley any access there now. Jim Carnell – I would like to say that the neighboring property does have a little bit to play in this because they were aware that the existing units were already over the property line and did not take any measures to deter them from building further onto their property. I'm not saying I don't have any sympathy for them because they may have already been compensated for this, I don't know. Chairman Lara – Right. Joel Kohn – I will go back and see what I can get out of them. Again, it will have to be a deal between the two neighbors, but I will get back to you on it. Chairman Lara – Just to put it on the record and as I'm sure you already know, if this does get a lot line change, make sure you get the deeds filed right away. Otherwise, those maps just sit around forever.

Matt Sickler – Where these bedroom additions that would change the flow counts? Joel Kohn – I am not sure about that, but I will check. Paula Kay – Maybe it is a little premature to send this to the ZBA. Joel

Kohn – Why? I mean the lot line change will not make any difference to the ZBA and the next ZBA meeting is not to February, so there is time for anything that needs to be worked out. Jim Carnell – Right because they already missed the deadline for January's meeting. Michael Hoyt – We didn't ask for this. This is their doing, so I think that we shouldn't feel forced to rush this. Paula Kay – As the ZBA meeting is not until February, they do have time to come back to this Board again before that meeting. That way they can show you all of the changes made prior to the ZBA. Chairman Lara – I think that is a fine idea. How do you feel about that Joel? Joel Kohn – If that's what the Board wants. Paula Kay – I think it will help get you a more favorable recommendation for the ZBA. Joel Kohn – Okay. So, I will get the ZBA application in to Laura so this can be on the February meeting, and in the meantime, we will work on moving the property line further away and looking into the bedroom counts. Once we have that information, we can come back to either the first or second meeting in January to update the Board. Chairman Lara – That sounds like a plan.

No further questions or comments from the Board.

A motion to deny and send this project to the Zoning Board was made by Michael Hoyt and second by Arthur Knapp.

All in favor, 0 opposed.

DYNASTY COTTAGES

283 State Route 17B, Monticello, NY

Joel Kohn, Project representative

Chairman Lara – These are new owners, right? Joel Kohn – Right and I believe they have owned the property for the last two years. Why we are here tonight is because they are proposing to redo the entire sewer system. It is their own septic system and even though it is still working, they have some concerns with it. They want to be proactive, so they had a system designed. They probably won't have it installed until next year, but they did have it designed. Since they are replacing the whole thing, it just made sense to have it designed to be a little bigger, that way they have the option to add more bedrooms in the future. With that being said, they are also proposing to add another three-bedroom unit. Right now, they have 20 units, and this will be unit # 21, however, the allowed density is 20.34 units, so they will need a variance for that. Also, this is in the CI zoning district, which we don't see a lot of bungalow colonies in, requires a 100-foot side yard setback and the proposed building will only have 90 feet, so that will need a variance for that as well. Jim Carnell – They also have other existing structures that are already closer to that property line than the proposed building, right? Joel Kohn – Right. Their shul building is much closer to the property line, so they are technically not increasing the non-conformity. There is also a stream and some wetlands on the other side, so this will not really be visible from the other side or encroaching in any way. In addition to those proposals, they are proposing to add an additional bedroom to unit #12, which is shown on the site plan, and there is an old violation on unit # 6, from the previous owners building without a permit back in 2013, that we are also showing on the plan, so it can get approval and cleared up.

Chairman Lara – Jim, do you have any issues with this colony? Jim Carnell – No. There were a couple minor items that needed to be addressed, but it has been pretty well kept.

Chairman Lara – Matt, do you have any thoughts? Matt Sickler – I now understand this a little better and I have not reviewed the septic design yet, but I will do that and let you know if I have any comments. Jim Carnell – Does this have to be submitted to the DOH? Joel Kohn – Yes and it has already been submitted to the DOH and the DEC. Matt Sickler – And you will need a SPDES permit. Joel Kohn – Correct and we have

already submitted an application.

Chairman Lara – So, you are basically just looking for us to deny you tonight so that you can go to the ZBA for the required variance and then come back to us if you receive them, right? Joel Kohn – Right. We will have to come back regardless for the other improvements, but yes.

No further questions or comments from the Board.

A motion to deny and send this project to the Zoning Board was made by Kristin Boyd and second by Christina Cellini.

All in favor, 0 opposed.

A motion to close the meeting was made by Kristin Boyd and second by Kritin Boyd.

All in favor, 0 opposed.

Respectfully submitted,

Laura Eppers, Secretary

Town of Thompson Planning Board

