

APPROVED

TOWN OF THOMPSON  
PLANNING BOARD  
November 8, 2023

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

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

A motion to approve the September 27, 2023 minutes was made by Arthur Knapp and second by Kathleen Lara.

All in favor, 0 opposed

A motion to approve the October 11, 2023 minutes was made by Arthur Knapp and second by Kathleen Lara.

All in favor, 0 opposed

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

**PUBLIC HEARING:**

**E TETZ & SONS**

Starlight Road & Route 17B, Monticello, NY  
Michael Fogel, project attorney  
Kyle Crossett, special projects manager

Chairman Lara read the legal notice aloud.

Proof of mailings were received.

Helen Budrock shared the site plan submitted for everyone to see.

Michael Fogel – We are here tonight on behalf of E. Tetz and Sons who have submitted an application seeking to continue their mining operations onto the property adjacent to their existing quarry. The existing quarry is on 227 acres and has been in operation for many decades, for which they have always had a New York State mining permit for. For those of you who do not know how that works, all New York state mining operations are required to have mining permits from New York state and they are issued by the Department of Environmental Conservation (NYSDEC). The permit contains numerous operating conditions that Tetz is required to comply with and NYSDEC does inspections, often, to ensure compliance with those conditions. Like most mining operations, Tetz holds land in reserve for future mining and as it takes years to get a NYSDEC mining permit or obtain any modifications to an existing mining permit, they started that process over 5 years ago. That process involved very technical review. Tetz was required to engage several environmental consultants, such as hydrogeologists, geologists, architects, and wetland

experts, to prepare the necessary studies for that review. The review also included SEQR requirements and the NYSDEC acted as Lead Agency for that. Being the Town was identified as an involved agency, they also would have received notification and been part of the process. The Delaware River Basin Commission (DRBC) also has jurisdiction over the operation, so the NYSDEC required their approval and compliance with this. Obtaining the DRBC approval called a docket, which is basically their version of a permit, is also a lengthy process and therefore was done concurrently with the NYSDEC permitting process. The DRBC held their own public hearing, to which they responded to the public comment, and they issued their approval over the course of this past summer. The NYSDEC was also finally able to complete their review over this past summer and a modified mining permit was issued by them. NYSDEC also issued a SEQR negative declaration finding that there were no environmental impacts associated with the modification request. County Planning has also reviewed this application, as it has been referred to them for local determination. They did provide us with a letter from the Department of Transportation (DOT), who wanted to make sure the entrance would not change and had a comment in regards to tracking material out onto the road. We responded to those comments and let them know that the entrance will stay the same and that Tetz uses industry accepted mess management practices to ensure that tracking of material doesn't happen. The County Planning also included guidelines from New York Power Authority regarding blasting, which Tetz is aware of and use a New York State licensed blaster. These guidelines are part of the requirements for the NYSDEC permit as well. So, it is safe to say all possible environmental impacts have been evaluated to insure there will be no impact. For zoning purposes, the whole operations, both current and the additional 95 acres, is all located in the towns EI district, which allows for this use. Back in 2012, in preparation for this modification, Tetz approached the Town Board and this whole site, including the 95.5 acres, was rezoned to this district. This allowing mining operations on these properties subject to Planning Board approval, which is exactly why we are here. What is important to note is that while Tetz is adding on additional acreage to ensure future operations, there is no changes to the existing operations, other than the fact that there will be additional reserves for future use. The operations themselves will stay the same and will continue to proceed in a north to south direction with the western part of the quarry being mined last. The method of operations, the hours of operation, and the entry point from Route 17 will all stay the same. The company just needs to ensure they have the reserves for future operations and adding this additional acreage will help ensure that.

Arthur Knapp – So, there will be on vehicles are Starlight Road? Michael Fogel – No. There will be no access at all to that road.

Chairman Lara – Can you point out on the map the direction the mining will proceed for the public to see?

Kyle Crossett – Currently this is the area, or lift, being mined. There are three different lifts, however the upper lift is inactive pending the approval of the additional 95 acres and that is located down here to the south. Once we have approval, we will be able to move from the current lift here and down this way to this lift.

Christina Cellini – How long do you think it will be before they have to move to the additional acreage?

Kyle Crossett – There are plans to start clearing trees in that area over the next couple of months, but we still have a way to go before we can start mining. Depending on market conditions and customer demand, I wouldn't expect anything for at least one or two production seasons.

Paula Kay – I would like to point out that the NYSDEC negative deceleration is on our Google Drive for public access and in that deceleration, there is a whole section on ground water and surface water. I know some of the comments that the Board has already received were concerns in regards to ground water and the lake and if you take a look at that section, section two, you will see that they have already made a determination that there will not be any impacts there. So, I would like the public to take a look at that.

No further questions or comments from the Board.

The meeting was opened to the public.

Chairman Lara – We did receive a few emails with public comment from Samantha Sofer, Gail Rodgers, and Margery Fallenzler. We will put them on the record and forward them to you if you haven't already received them.

**Antonio Magalhaes**, residing at 836 Starlight Road – Said that he started to build a house and installed the foundation, but there was a ballast so big that is cracked that foundation.

Chairman Lara advised that they will have the applicant get in touch with him and look into this.

**Ian Reichbach**, residing at 882 Starlight Road – Had the below comments:

- Blasting is worse than ever - Stated it feels like an earthquake every time they blast. Advised that this property has been in his family for over three generations and the blasting has never been this bad. Said the side of his house is starting to sink and every time a blast goes off everything in the house shakes.
- Results of measurements taken – Stated that Tetz hired someone to come by and take measurements and that they came by at least three times, but no one knows why. Advised that he cannot get results from anybody and when he went by the Tetz office to try to get them, they said to contact the person who took the measurements, even though they hired him.
- Well water – Stated their well water has started developing oil traces. He had it tested, but they could not find anything as far as standard tests go. So, he is not sure what is causing this, but is concerned.
- Water runoff – Stated even though it was determined that there will be no impact, once they start blasting on the new property all of the water is going to run down the hill there and onto the properties of the houses at the bottom.
- Lowered property values – Stated the blasting is worse than ever and with this expansion, no one is going to want to buy property.
- Noise pollution – Stated this operation creates a lot of noise and per the noise ordinance, they should not start before 7:00 a.m. However, some times, not all the time, they start as early as 6:00 a.m. with drilling and trucks beeping.

**Samantha Sofer**, residing at 169 Starlight Road – Submitted written correspondence, but also joined the meeting to go over her main concerns, which were the impacts on well water and the nearby lake. Also wondered if Eagle Creek was notified of this application.

See below link for full correspondence received:

[https://drive.google.com/open?id=1LpBUx4AyE1yRXHXhqUytVmedm6BwTySH&usp=drive\\_fs](https://drive.google.com/open?id=1LpBUx4AyE1yRXHXhqUytVmedm6BwTySH&usp=drive_fs)

**Gail Rodgers**, residing at 171 Lakeshore Drive – Submitted written correspondence, but also joined the meeting to highlight her primary concerns, which were environmental impacts and impacts on water/lake levels.

See below link for full correspondence received:

[https://drive.google.com/open?id=1MFpcs-itKs\\_8GyeC90jtZoKTPQd70\\_5Q&usp=drive\\_fs](https://drive.google.com/open?id=1MFpcs-itKs_8GyeC90jtZoKTPQd70_5Q&usp=drive_fs)

**Margery Fellenzer**, residing at 113 Lakeshore Drive – Submitted written correspondence, but also joined the meeting to reiterate her concerns in the regards to environmental impacts, such as the amount of discharge that will now be expected to end up in the lake and if there will be a filtration system in place to help mitigate that.

See below link for full correspondence received:

[https://drive.google.com/open?id=1MFHti\\_R7t-SIO39XIYjTPTiWKHOtIZJL&usp=drive\\_fs](https://drive.google.com/open?id=1MFHti_R7t-SIO39XIYjTPTiWKHOtIZJL&usp=drive_fs)

No further comment from the public.

A motion to close the public hearing was made by Arthur Knapp and second by Christina Cellini.  
All in favor, 0 opposed.

Chairman Lara advised both the applicant and the public that all comments must be addressed in writing and submitted to the Town for their review and will be uploaded to the Google Drive for all to access.

### **MILTON LANE SUBDIVISION**

Dora Drive, Monticello, NY  
Gavin Vuillaume, Project design professional  
Bill Chapman, Project representative

Chairman Lara read the legal notice aloud.

Proof of mailings were received.

Helen Budrock shared the site plan submitted for everyone to see.

Gavin Vuillaume – We were here in front of the Board last month to present this project. There has not been much change since then, but I will go over a couple of key items for the public. This is a 4.2-acre property located at the end of Dora Drive and we are proposing a three-lot subdivision with three new buildings; one on each lot. As you can see each lot will be a little over an acre, so they are fairly large. We spent a lot of time going over access to the three lots and if it would be a public or private road, but the conclusion was that the Town was not interested in extending their road. So, we reconfigured the lots a little, so that each lot will have minimum frontage along Dora Drive and Milton Lane will be a private road with an easement granting access to each property owner. The other thing we spoke about were the proposed septic systems, which the Board asked us to reach out to the Department of Health (DOH) about and provided us with Glenn Illing contact information. We emailed Mr. Illing the plans and he took a cursory look at them. He did not do a formal review, but we wanted something for the public hearing, so he took a quick look and said conceptually everything looked fine. The one comment he did have was that he thought the soils and topography was a little better on lot #3 and suggested we move the 2-family home to that lot, which we open to. We are going to get better information on the topography, but if everything works out, we will probably put the two-family on lot #3 and move that single family proposed there over to lot #1.

Chairman Lara – If and when this is created, I know Real Property would appreciate if all three lots can go to the center, or have equal ownership of Milton Lane, so that the road is not its own parcel. Gavin Vuillaume – Understood.

Matt Sickler – As Gavin previously mentioned the DOH is looking at the proposed septic systems. I also spoke to Glenn Illing who said he did a cursory review and initially had some concerns, but as long as everything is worked out to comply with industry standards, it would be acceptable. It is still a work in progress at this time and there are still some finishing touches that will have to be done.

Chairman Lara – During our last review of this project, there were some questions about a possible water use agreement or well house easement located on this property. As we are not 100% sure of that, it is something the applicant should look into. Gavin Vuillaume – Okay. This is part of an older subdivision, so we did look through a lot of that information. We have not done a title search yet on everything, but we will complete that to find out if there are any easements on the property. As of right now, we don't see

any.

Chairman Lara – A member of the public has provided me with a copy of a deed, from Joel Weberman to Mr. Schwartz, and in it was some specific restrictions and covenants that they wanted us to be aware of. I brought a copy with me tonight in case you didn't have one, as this is something else, we will need you to address.

No further questions or comments from the board at this time.

The meeting was opened to the public.

**Beth Lagner**, residing on Jacob Drive – Said her property is also part of the original subdivision from the previous developer and per her deed, and she thought the other deeds as well, there were restrictions on future subdivision of these parcels and only allowed for single family dwelling, not 2-family.

**Robert Kunis**, residing at 24 Dora Drive – His property is located directly in front to lot #3 and had the below concerns:

Deed Restrictions – Said he has the same deed restrictions that Beth Lagner mentioned and wanted to know who should be enforcing these restrictions.

Paula Kay advised that if it is a project coming before the Planning Board, the Board would need to be made aware of any deed restrictions and would not be able to approve anything that creates a conflict with those restrictions. If it is was something that did not require Planning Board approval and only a building permit, it is on the neighboring property owners to enforce.

Septic System – Said can't see how they are going to get the lot to support a septic system.

Short Term Rentals – Said he believes this is the same organization that purchased other lots in the area to build single-family homes on. When questioned by the neighbors, they were told that they would be for year-round residents, but believes they are now being used for Air BnB's. Is concerned this will be the same situation. Said the short-term rentals have caused a number of problems in the area and he doesn't feel they fit into their community. Also does not believe room taxes or occupancy rates are being paid.

Parking – Said there is already an issue with parking because there is not enough for the number of cars that come and does not believe the proposed parking will be sufficient, especially if they end up being Air BnB's.

Fire Access – Said Milton Lane is very narrow and does not know how a firetruck is going to get to these lots.

**Gerald Fielding**, residing at 18 Jacob Drive – He also owns a home on one of the parcels from the original subdivision and had the below concerns:

Deed Restrictions – Said he also has the same deed restrictions as the others and said that the applicant probably does as well because the original subdivision was for over 80 acres and thinks this property was included. Mentioned that it was all recorded with the Town.

Septic System – Said it is very hard to get the land in this area to percolate and another property had to bring in a ton of fill to be able to get a septic system on their property.

Water – Said there has been a number of wells in the area that had to be redrilled because they went dry and doesn't know if the applicant is going to be able to get water for 1 single family home, let alone 3 of them.

Paula Kay – I have now received a copy of the deed, which will be uploaded to the Google Drive for anyone to access, and have reviewed it. I don't know if the adjoining properties have the same restrictions in their deeds, but the restrictions and covenants listed in this on are:

- No business of any kind

- Premises to be used for residential purposes only
- No garage for more than 3 cars
- No garage more than 1-story in height
- Only 1 building erected on said premises and a garage, as part of the residence
- Only 1 single family residence erected upon the entire parcel
- The parcel may not be further subdivided
- No feathered animals, except for a parrot or a canary
- Front 4 feet of the premises to be reserved for a sidewalk
- Single-family residence to be no less than 2,350 sq. ft. of living area, not including a garage or unfinished basement.
- Grantors approval is required of grantees building plans

No further questions or comments from the public.

Motion to close the public hearing was made by Christina Cellini and second by Arthur Knapp.  
All in favor, 0 opposed.

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

**CAMP ROMIMU**

150 Roosevelt Road, Monticello, NY  
Joel Kohn, project representative

Joel Kohn – This is an existing camp located on Roosevelt Road. The applicant is looking to demolish and replace units 51 & 52 with one 2-family unit, which will improve the separation between these and other existing buildings, demolish and replace units 63 & 64 with new buildings, demolish and replace the REC/shul building with a 2-story building, so that they can expand on recreation for the camp, and add a 32’x28’ extension to the existing storage building. This property is located in the RR-2 district, which allows for a summer camp use, subject to Planning Board approval.

Chairman Lara – Matt do you have any comments on this? Matt Sickler – No, it is pretty straight forward and they are not increasing bedrooms or occupancy so there should be no issue with water or sewer.

Jim Carnell – Was the bulk table updated to reflect to the new lot coverage? Joel Kohn – The current lot coverage is about 5% and the increase in lot coverage will still be less than the 10% allowed, but I can have the engineer update that with the new calculations.

Chairman Lara – Do we need a NEG DEC for this? Helen Budrock – No, I believe this is a Type II action.  
Paula Kay – Plus, it is a very minor modification.

Chairman Lara – I just wanted to say that I live in the area of this camp and I don’t think I have ever seen happier campers. The camp is low impact, is kept very nice and clean, and are good neighbors.

No further questions or concerns from the Board.

A motion to approve the minor modification to the previously approved site plan, subject to the bulk table being updated, was made by Arthur Knapp and second by Christina Cellini.

All in favor, 0 opposed.

### **MACADAMS ROSE VALLEY SUBDIVISION**

Rose Valley Road, Monticello, NY  
Glenn Smith, project engineer

Glenn Smith – This property is located on Rose Valley Road and is in the SR zoning district. We were here a little over 10 years ago, when the applicant only owned property on one side of the road, to get the Boards opinion on subdividing the property, as it abuts the Melody Lake sewer district and we would be looking to annex into that. At that time, we proposed thirty-one ½ acre lots, which is permitted in this zoning district. However, the applicant has now acquired property across the street as well and would like to also subdivide that. There are some DEC wetlands in the back of the new property, so some of those lots are a little larger, but other than that is a pretty conventional subdivision. Again, this is just conceptual and we are here tonight to hear what the Boards feels about it.

Chairman Lara – Matt, did you look at this yet? Matt Sickler – Yes and I briefly spoke with Mike Messenger about it. At this stage Mike doesn't have any concern and doesn't see an issue with it. There are low flows there and there are some issues that will need to be addressed during the map plan and report and the district extension, but nothing that can't be handled. If there are improvements required, we will ask the applicant to address those.

No further questions or comments from the Board.

Chairman Lara – It sounds like our experts are saying it is conceptually fine and the Board is in agreeance.

### **MONSTER GOLF**

84 Chalet Road, Monticello, NY  
George Duke, project attorney

Helen Budrock shared the revised site plan for everyone to see.

George Duke – The golf course is currently open, but only with a temporary certificate of occupancy because there were certain site plan elements that did not conform to the previously approved site plan. We are here tonight with a revised site plan showing those changes. The elements that did not conform and are subject to change are in red. There is an expanded wash-down pad, an addition of a canopy over the wash-down pad, addition of some curb stops around the parking stalls, a concrete sidewalk, and a propane tank with some protection bollards. The propane tank is located adjacent to the parking area. I believe these are minor changes and nothing problematic, but still need to be brought to the Boards attention for approval, so that we can get our final certificate of occupancy.

Chairman Lara – Jim, do you have any comments on this? Jim Carnell – No. We actually received plans while the construction was underway and we don't have any issues with what was done.

Chairman Lara – Matt, did you have a chance to look at this? Matt Sickler – Yes and we didn't see any issues with it either.

Christina Cellini – Is the propane tank the first thing people are going to see when they come here? George Duke – There are bollards and the propane tank is buried, so it won't be seen. Matt Sickler – Right and the bollards are just there to prevent anyone from driving over the tank.

A motion to approve the minor modification to the previously approved site plan was made by Arthur Knapp and second by Christina Cellini.  
All in favor, 0 opposed.

A motion to cancel the November 22, 2023 meeting and schedule an alternative meeting on November 29, 2023 for the Verizon Wireless project was made by Arthur Knapp and second by Christina Cellini.  
All in favor, 0 opposed.

A motion to close the meeting was made by Christina Cellini and second by Arthur Knapp.  
All in favor, 0 opposed.

Respectfully submitted,

Laura Eppers, Secretary

Town of Thompson Planning Board



