

To: Paula Kay, Deputy Town Attorney for Thompson and Fallsburg
Patrice Chester, Chairperson, and Thompson Planning Board

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From: Toby L. Boritz boritzt@gmail.com

Re: **The Questionable Basis of Thompson Education Center's Application (SBL# 26.-1-6)**

Date: April 5, 2016

Dear Ms. Kay, Ms. Chester and Members of the Planning Board,

Re: Thompson Education Center's request for a well drilling permit,¹ I commend the Building Department's issuance of a March 4th Notice of Disapproval until the applicant obtains all needed wetland and stormwater permits, and for requiring TEC to appear before the Planning Board prior to proceeding with their project. But before TEC obtains a new wetlands delineation, SPDES Permit and submits an SWPPP, I respectfully urge the board to address what I have been concerned about for quite some time now -- the questionable validity of the site plan application and supporting documents for their proposed 4.5 million sq ft educational facility on SBL# 26.-1-6.

I will outline below that, among other irregularities: (a) TEC's 2014 site plan application, EAF and site map fail to disclose that this 568-acre lot needs to be subdivided into as many as 10 parcels; (b) there is no Revised Site Map (Concept Plan Map) in the file with updated Table of Bulk Requirements; and (c) an undated 2014 Zoning Analysis of unknown attribution should be withdrawn... And as BKAA Consulting Attorney John Lyons requested in his March 25th letter to the Planning Board, I hope you will require the project sponsor to rectify any and all irregularities and ensure that this application is complete and accurate prior to authorizing issuance of any permits or allowing any disturbance on this environmentally sensitive site.

1) Questionable Validity of Site Plan Application & EAF Vis-à-vis 2014 Mortgage Agreement

Sherry Li's 5/27/14 site plan application & 5/29/14 EAF incorrectly list the owner of Lot 26.-1-6 as Parkwood Partners, LLC but, more significant, in the 16 months since purchasing this parcel from Simon Gelb in Dec. 2014, the applicant has failed to file for subdivision approval (they requested site plan approval, but not subdivision approval on the application & EAF; nor have these docs been amended since inception of the project). As detailed in my 2/25/15 letter, subdivision approval by the Thompson Planning Board is a precondition of Ms. Li obtaining any and all partial releases from her \$6.9 million mortgage agreement with Parkwood; the agreement further stipulates that the premises are to be subdivided in accordance w/ Pietrzak & Pfau's 5/11/14 Phase Plan Map appended to the Mortgage as Exhibit A (see Attached) depicting this parcel subdivided into 10± Phases/ Subphases, a map TEC has yet to disclose to town officials!²

¹ see Code Enforcement Officer Logan Morey's March 4, 2016 Notice of Disapproval to John Privitera, Esq. of McNamee, Lochner, Titus and Williams, P.C.

² On Pg 2 of EAF & other docs Ms. Li acknowledges she plans to build in phases, and if she cannot satisfy the \$6.9 million mortgage in one lump sum payment, she will need to obtain partial releases by subdividing. My 2/25/15 letter to the board, "Terms of Thompson Educ Center/ Parkwood Mortgage Agreement," details terms of the 12/9/14 TEC- Parkwood Mortgage Instrument # 2014-8329 recorded in Sullivan County 12/18/2014.

"Section 3.28. Mortgagor shall be entitled to partial releases of this Mortgage after subdivision approval has been obtained from the Town of Thompson and a final executed subdivision plat has been filed with Sullivan County. Partial releases shall be for the

2) No Revised Site Plan in Project File - Since Nov, 2014, I have been unable to locate a current Site Plan (Concept Plan Map) in the project file. As per TEC Attorney Joel Proyect's November 12, 2014 letter to Paula Kay, the scope of the plan was being revised (including recalculating the # of townhouse and apt house dorm units, see bullet points below). And while **Exhibits A, B & C** were placed in the file, the Revised Site Plan (**Exhibit D**) was never placed in the file, meaning there is currently no viable site plan depicting placement of bldgs with corresponding density calculations or Table of Bulk Requirements for this project.³

- **Exhibit A:** Pietrzak's 11/5/14 memo to Tom Shepstone re: lot coverage percentage;
- **Exhibit B:** An undated (Nov, 2014) chart proposing revised # of student housing units -- **396** townhouse dorm units, **960** apt dorm units & **103** "Faculty Units." The chart illogically lists these 103 freestanding structures as being sited within 4 "Faculty Houses." (I would also argue that when TEC submits a site plan detailing placement of bldgs, etc. the map should depict the lot subdivided into multiple parcels with req'd setbacks, in accordance with terms of the mortgage agreement .)
- **Exhibit C:** Pietrzak and Pfau's 11/5/14 Wastewater Flow Chart estimating 611,500 gallons per day of effluent and listing all proposed facilities, including **396** townhouse dorm units, **960** apt dorm units, **103** freestanding faculty housing units plus all other proposed facilities and venues

3) A Zoning Analysis of Unknown Attribution - As per Project Engineer Vince Pietrzak's 6/3/14 memo, TEC submitted 10 copies each of the May Site Plan Applic and EAF, 10 copies of Tom Shepstone's 12-pg Draft Scoping Document incorrectly dated May 30, 2013 (The entity TEC was not formed until '14) & 10 copies of a 5-pg undated Zoning Analysis w/ no attribution of authorship.

It is likely the Zoning Analysis was written by Mr. Shepstone since Town Engineer Richard McGoeey makes reference to a density analysis by Tom Shepstone in his (McGoeey's) 5/22/14 Technical Review Comments for the project. My Oct 30, 2014 letter to the Planning Board includes a critique of this Zoning Analysis labeled "*Town of Thompson Education Center RR-2 District Permitted Density*" in which, via tortured logic, the writer tries to justify housing groups of students in self-contained single-family units within huge townhouse "dormitories" using a fanciful "all in the family" strategy -- arguing, illogically, that these unrelated individuals (students) should be considered "family" despite the fact that dorms, as a form of group housing are not classified as dwelling units, nor do they contain 1-family self-contained units therein, since they lack separate housekeeping facilities. The board should require this Zoning Analysis of questionable authorship to be withdrawn and resubmitted.

lands designated as Phases on the Map appended hereto as Exhibit A... and incorporated herein by reference." -- P.28 (Image 29 of 48) of December 9, 2014 TEC/Parkwood Mortgage Document

"Section 3.30. Mortgagee shall extend its full support and cooperation to Mortgagor in the process of obtaining required approvals for subdivision of the Premises in accordance with the Phase Map appended hereto as Exhibit A." -- P. 29 (Image 30 of 48) of Mortgage Document

³ To my knowledge, the only site map in the file is Pietrzak & Pfau's outdated 6/2/14 Overall Concept Plan Map depicting **627** townhouse dorm units & **500** apt house dorm units, later changed to **396 & 960**, respectively, as per Nov, 2014 Exhibits B&C.

I respectfully request, while the project sponsor is in the process of obtaining wetland and stormwater permits, that the board address major irregularities of TEC's application and require full disclosure of project sponsor's unstated plans to subdivide the premises -- plans apparently withheld from the lead agency since December of 2014!

A project of this magnitude, sited amid 220 acres of NYSDEC freshwater wetlands and 100-foot buffers at the Thompson/ Fallsburg/ Mamakating Town Lines, is likely to have wide-ranging adverse impacts on our respective municipalities, so I ask you to please ensure that Thompson Education Center's proposal is based on a viable application & supporting documents, in accordance with allowable density and applicable project design for the Rural Residential-2 District. Thank you for your attention to this important matter.

Sincerely,

Toby L. Boritz 4-5-16
Toby L. Boritz April 5, 2016

boritzt@gmail.com

c: Deputy Supervisor Richard Sush & Thompson Town Board
Michael Mednick, Thompson Town Attorney
Richard McGoey, Thompson Town Engineer
James Carnell, Jr., Director - Building, Planning and Zoning, Thompson
Robert Geneslaw, Town of Thompson Consulting Planner re: TEC
Marilee Calhoun, Thompson Town Clerk
Logan Morey, Thompson Code Enforcement Officer
Supervisor Steve Vegliante, Town of Fallsburg
Mollie Messenger, Fallsburg Code Enforcement Officer
Will Illing, Fallsburg Town Engineer
Freda Eisenberg, AICP, Sullivan County Planning Commissioner
Andrew Willingham, P.E., Consulting Engineer for Basha Kill Area Association
John Lyons, Esq., Grant & Lyons LLP, Consulting Attorney for BKAA

Attachment 1

- Pietrzak and Pfau's May, 11, 2014 Phase Plan Map depicting Thompson Education Center's Lot 26.-1-6 subdivided into 10± Phases/ Subphases... This map is Appended to December, 2014 TEC-Parkwood Mortgage Instr. # 2014-8329 as Exhibit A, Image 32 of 48

Attachment 1

**Enlarged 11"x17" Copy of Pietrzak & Pfau
Thompson Education Center Phase Plan Map for Lot 26.-1-6
Dated May 11, 2014**

**This Map Appended to TEC/ Parkwood Mortgage Instrument # 2014-8329
Exhibit A, Image 32 of 48
Depicts 10± Phases/Subphases of Project**

*The Actual Map Appended to Mortgage Agreement is 8 ½" x 11"
This enlarged copy is attached for your convenience for improved readability
Though acreage count and other notations may still be virtually illegible*

