



**TOWN OF THOMPSON
PLANNING BOARD
RESOLUTION
GRANTING A SPECIAL EXCEPTION USE PERMIT AND SITE PLAN APPROVAL
FOR BBIS AUTO AUCTION**

December 9, 2020

WHEREAS, on September 13, 2019, Series 11, a separate series of BBIS Investment 767, LLC. ("BBIS" or "Applicant") submitted an application for a Special Use (SU") Permit and Site Plan approval which application was revised on April 22, 2020, September 18, 2020 and October 19, 2020 to the Town of Thompson Planning Board ("Planning Board") for BBIS's proposed Storage and Auction Facility and appurtenances located on the northwest side of the intersection of Kaufman Road and NYS Route 17B, Town of Thompson, Sullivan County, New York and identified as tax parcel Section 12, Block 1, Lots 54.1 and 55 ("Project Site"); and

WHEREAS, the BBIS Auto Auction would consist of vehicle drop-off and pick up areas, vehicle storage for approximately 11,000 vehicles and construction of an 8,275 sq. ft. business office and inside vehicle inventory area located on 153.3 +/- acres of land at the northwest intersection of Kaufman Road and NYS Route 17B; and

WHEREAS, the Project has undergone review pursuant to requirements of the State Environmental Quality Review Act ("SEQRA") and its implementing regulations at 6 NYCRR Part 617 including preparation of a Full Environmental Assessment Form Parts 1 and 2, an Expanded Part 3 with attached studies and reports ("EAF") and issuance of a SEQR Negative Declaration which determines, that the Project will not result in any adverse environmental impacts have not been adequately mitigated by the project design ("Negative Declaration"); and

WHEREAS, the SU and Site Plan applications have been reviewed extensively by the Planning Board and its engineering, legal, and planning consultants as well as other NYS and County agencies and departments with written comments received as follows:

From, McGoey, Hauser & Edsall Engineering and Consulting, 10-1-19, 12-17-19, 5-8-20, 8-5-20, 8-31-20, 9-1-20, 10-7-20, 10-8-20, 10-19-20, 10-21-20 and 11-8-20;

From the NYSDOT via email dated 8-12-20 conceptually approving the proposed off-site mitigation

From the Sullivan County Division of Planning pursuant to GML 239-l-m & n two letters dated 11-9-20 and 11-13-20;

From the Sullivan County Department of Public Works via email dated 11-18-20 approving the entrance location on Kaufman Road; and

WHEREAS, the applicant appeared at the following work session meetings with the Planning Board Consultants to review and discuss the plans; 9-30-19, 12-16-19, 8-31-20, 9-9-20, 10-5-20 10-19-20 and 11-30-20; and

WHEREAS, the applicant appeared and presented the plans and studies and received comments from the Board at the following Planning Board meetings; 9-25-19, 1-8-20, 2-26-20, 5-13-20, 8-26-20, 9-9-20, 10-9-20, 10-28-20 and 12-9-20; and

WHEREAS, the Planning Board conducted a duly noticed public hearing on 10-9-20 which was continued and duly closed on 11-11-20; and

WHEREAS, at the public hearing an adjoining property owner spoke and also submitted subsequent written comments advising the board that he had constructed a residential unit on his property subsequent to the site plan application's initial submission; there were areas for car storage located less than the legally required 500 ft. from such residential unit and raised a question as to whether the proposed storm water ponds were located less than 200 feet from the well servicing the neighboring property ; and

WHEREAS, in response to these concerns the applicant removed a portion of the vehicle storage area to meet the 500 ft distance from the existing residence and located the storm water ponds to provide the requisite buffer to the adjoining property's water supply system and discussed these changes with the adjainer; and

WHEREAS, the Sullivan County Division of Planning Department has reviewed the applications pursuant to General Municipal Law sections 239 l and m and determined that the Project was a matter of "Local Determination" but did provide advisory comments recommending that the project; be subject to a full SWPPP or drainage study giving particular attention to water quality protections; utilize diversified plantings in the proposed visual buffer; consider mitigation to the potential adjacent hotel site and higher stories of the Resort Worlds Hotel; identify any interior signage; and any visual signage proposed; consider providing a dry hydrant for additional fire protection purposes; and ensure adequate turning radii for emergency services and correction of certain typos in the application; and

WHEREAS, the Planning Board considered and addressed all such comments during the SEQR, SU Permit and Site Plan approval processes which resulted in the amending of the plans to include additional and more diverse plantings on and along the landscaping berm; the inclusion of an underground fiberglass water tank to supply a dry hydrant for enhanced fire protection and also notes that; a SWPPP has been prepared and will be submitted to the NYSDOT as part of the permit process; fire apparatus access lanes have been provided throughout the vehicle storage area; an existing buffer area of mature trees exists along Kaufman Road that will provide an adequate visual buffer to the site from the east; no interior signage is proposed and the application typos identified have been corrected; and

WHEREAS, the Planning Board has conducted a full SEQRA review and has adopted a Negative Declaration under SEQRA which is attached hereto and incorporated into this resolution as if fully set forth herein; and

WHEREAS, the Planning Board has reviewed all submissions made by the Applicant, all public and agency comments, and all public hearing comments made during the review process, and has reviewed the SU permit standards and site plan review standards set forth in the Town's Zoning Law.

NOW THEREFORE, BE IT RESOLVED, that the Planning Board hereby approves the Special Use Permit application for the BBIS Auto Auction Facility and finds that the Project complies with the special conditions set forth in Section 250-35 for the issuance of an SU Permit as summarized below;

- (1) Condition: The permittee shall personally manage or be responsible for the management of the junkyard or salvage yard.

This approval is conditioned upon the eventual operator/ permittee being the entity responsible for management of the facility and obtaining whatever other approval or permit necessary to permit such operation.

- (2) Condition: The permittee shall maintain an office and a sufficient number of employees on the premises to assure the proper and safe conduct of such activity or business, to minimize the hazards from fire, leakage, seepage or bodily injury therefrom, and to prevent trespass thereon by children and others.

The site plan as approved will contain an approximate 8,275 square-foot building onsite that will contain an office for site operations. Approximately 20 personnel will be employed to ensure safe operation of the facility

- (3) Condition: The permittee must erect and maintain a solid opaque fence, at least six feet in height, of metal or wood, sufficient to screen any view of the operation from adjacent properties or public roads and to secure the property against the entrance of children or others into the area of the operation. All materials related to the operation shall be kept within such fence at all times. If abutting a public road, such fence shall be located at least 25 feet from the street line thereof.

The site plan as approved includes a six-foot high chain link fence with privacy slats around the entire operation. All vehicles will be kept inside the fence. The fence will be setback a minimum of 100 feet from the public road right-of-way.

- (4) Condition: Inside and adjacent to and contiguous with such fence, a strip of land at least 10 feet in width shall be kept free of all dry grass or other vegetation or combustible material so as to provide a fire lane around the entire operation.

The site plan as approved includes a surface of asphalt millings and a detail for the requisite fire break. A note stating so is included on the plan sheet O-100. Fire lanes and adequate fire apparatus access are depicted on the site plan as approved.

(5) Condition: The autos, parts and materials involved in the operation shall be disassembled or dismantled by means other than by burning. They shall be piled or arranged in neat rows so as permit easy passage and clear visibility through the area.

A condition of this approval is that there will be no dismantling of vehicles at the site.

(6) Condition: The operation shall be supervised by the permittee or his employee during business hours. At all other times the premises shall be locked at a secure gate in the fence and in a secure manner.

A condition of this approval is that there will be an onsite staff (approximately 20 people) who will supervise the operation and that at all other times, the vehicle storage areas will be locked and secured.

(7) Condition: There shall be maintained at each operation for which a permit is issued at least one fire extinguisher of approved design and capacity for each 40,000 square feet of area. Each such fire extinguisher shall be hung or mounted in a conspicuous place and shall be clearly marked and available for use.

The site plan as approved contains a note regarding maintaining fire extinguishers on-site on cover sheet O-100. The continued compliance with this note is a condition of this approval

(8) Condition: Suitable sanitary facilities shall be available, connected to approved public sewers or on-site sewage treatment facilities, for the use and convenience of the employees of the permittee as well as the general public visiting the area.

The site plan as approved includes sanitary facilities and a septic system.

(9) Condition: The burning of any waste material is prohibited.

The Applicant does not propose the burning of any waste material and a condition of this approval is that there will be no waste material kept onsite and therefore no burning of waste material.

(10) Condition: No material may be stored or kept in a junkyard or salvage yard that is flammable, combustible, explosive, reactive, corrosive or toxic to humans as defined and quantified in United States Environmental Protection Agency regulations under 40 CFR 116.

A condition of this approval is that the operation will be conducted pursuant to the description and include the proposed mitigation measures contained in the application, site plan, the

attending SEQRA Part 3 and SEQRA Negative Declaration which does not include the storage of materials proscribed by 40 CFR 116; and

BE IT FURTHER RESOLVED that the Planning Board hereby approves the site plan application for the Project including the Final Site Plan, (the “Site Plan Approval”) subject to the conditions set forth herein and finds that the Project complies with the general standards for site plan review and approval as set forth in the Town’s Zoning Law.; and

BE IT FURTHER RESOLVED that the Planning Board specifically approves the following BBIS Auto Auction Site Plan dated 8/7/2020 as last revised 11/27/2020 prepared by Engineering & Surveying Properties consisting of 21 sheets, which plan sheets are subject to final revision to satisfy the conditions set forth in this approval: and

BE IT FURTHER RESOLVED that this SU Permit and this Site Plan Approval are granted subject to all the conditions cited above and in the attached SEQRA Negative Declaration as well as the following conditions:

1. Applicant shall address any outstanding final engineering and planning comments including any set forth in the letter dated December 2020 from McGoey, Hauser and Edsall, PC; and
2. Construction shall be in compliance with the approved site plan and notes and continued compliance with that site plan is required; and
3. The Applicant shall obtain any and all other local, County, State and Federal Approvals necessary to obtain a certificate of occupancy; and
4. Payment of all outstanding Town consultant fees; and
5. Establishment of an escrow for engineering inspections as directed by the Town Engineer.
6. Applicant shall combine both lots prior to the Site Plan being signed.

BE IT FURTHER RESOLVED that the Planning Board directs that a complete copy of this Resolution shall be filed immediately with the Town of Thompson Town Clerk and sent to the Applicant.

On the motion of Planning Board member Michael Croissant seconded by Planning Board member Michael Hoyt, the foregoing resolution was adopted with all Planning Board members voting as follows:

Lou Kiefer Chair	YES	X
James Barnicle	YES	X
Michael Croissant	YES	X
Matthew Sush	YES	X
Michael J. Hoyt	YES	X