

APPROVED

TOWN OF THOMPSON
PLANNING BOARD
September 14, 2022

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

No minutes to be approved at this meeting.

Public Hearing:

MONTICELLO MOTOR CLUB – SUBDIVISION

67 Cantrell Road, Monticello, NY
Hayden Carnell, Project representative

Acting Chairman Croissant read legal notice.

Proof of mailings were submitted.

Helen Budrock shared the site plan for everyone to see.

Hayden Carnell – We were previously in front of this Board for site plan review and nothing has changed on that site plan. We are looking to do a 5-lot subdivision for the Monticello Motor Club. The property is located on Cantrell Road and Rupp Road. There are roughly 51 acres and we are looking to create 5 parcels. One will be 42 acres and the only structure on it will be the cell tower. We are looking to donate a 1.9-acre lot to the Monticello Fire Dept., which will be the lot that will be located right on the corner of Rupp Road and Cantrell Road. The other 3 lots will be along Rupp Road, of which one of those will have the existing housing building on it and the other 2 lots may have something similar built on them in the future, or possibly something else. We went to the Town Board looking for a zone change, which we have a separate public hearing for. This public hearing tonight is just for the subdivision.

Paula Kay – You applied to the Town Board for the zone change and it's understanding that the Town Board sent a referral back to the Planning Board for a recommendation on that use change. Hayden Carnell – That is correct. Paula Kay – This Board can make an informal recommendation back to the

Town Board tonight and a formal motion at the next meeting. Hayden Carnell – Also, an EAF has been submitted for your review and hopefully we will have the comments on that by the next meeting.

The Planning Board informally agreed to the zone change. All members were in agreeance.

No further comments from the Board.

Opened discussion to the public.

No public comment.

Public hearing left open for the 2-week written comment period.

DISCUSSION ITEMS:

Kristen Boyd was appointed as a voting member.

RHAPSODY HOLDINGS LLC

9 Anawana Lake Road, Monticello, NY

Joel Kohn, Project representative

Robert Haywood, Project contractor

Joel Kohn – This is an existing cluster development that currently has a main house and 5 single-family dwellings. They built some additions to 2 of the dwellings without getting permits to do so. They were caught and now are trying to comply and get the approvals needed. In addition to that, they want to replace the main building with a new house in a different foot print. The project has private water and town sewer, which is a gravity main going to Anawana Lake Road.

Paula Kay – What kind of work was done without permits? Joel Kohn – They added 2 additions to 2 of the buildings, porches/decks and finished 2 of the basements.

Paula Kay – Once they were noticed, did they take care of it? Jim Carnell – They continued to work and we had to go out to the property numerous times. They locked the gate so we couldn't get in and I had to actually get the Spectrum guy to let us in a couple times. They absolutely knew they were working without a permit. Also, the contractor came into the Building Dept. numerous times over the last week and a half because above and beyond what they are showing on the plan, he wanted to add some accessory buildings. When he was told that he would not get any new permits, he basically indicated that he would build them anyway. Robert Haywood – That isn't 100% correct as Jim and Brian were on the property with me. We walked around and discussed somethings. I did ask what they wanted me to do and if I should stop and was told that everything looks good and I might as well finish it up. I explained that I was going to reach out to Mr. Kohn to get everything cleaned up and that I understood

things shouldn't have been done like that. As for the gate, it is electronic and you need a code to get in, we did not lock it to keep you out.

Kathleen Lara – Obviously we are not going to approve any new stuff until we know the old stuff has been addressed. Joel Kohn – That this part of the reason why we are here tonight. We need Planning Board approval to be able to rectify what was built without a permit and at the same time are looking for approval to replace the main building. They would not start work on the new building until they get the approval. Paula Kay – I think what Kathleen is trying to say, and I agree, is that perhaps the items they were working on without permits should be addressed on the plans first and then they should come back to discuss replacing the main building. Kathleen Lara – Yes, only because of the obstacles the Building Dept. hit. I don't love that they proceeded to build when they were made aware that they needed permits and I want to be careful to show them that they have to follow the rules like everyone else. I strongly feel that they need to take care of the violations first and then we can deal with approvals for the new things. Michael Hoyt – So where are we at now? Are they continuing to build? Jim Carnell – Yes. There was equipment out there and they cleared everything, even the buffer that was between this parcel and Miami Cottages. Joel Kohn – I think that was done prior to the summer and they cleared that area and planted new vegetation there. Paula Kay – Jim, are they in court for this? Jim Carnell – Due to the ownership status, we were not able to get good service on them. Paula Kay – This is what I would suggest to move forward, they need to authorize someone to receive service, they need to come to court and I think the Building Dept. in conjunction with the prosecutor need to come up with a fine that they will agree to pay. They will also need to pay the building without permit fees, which the Building Dept. can assess, and then they should come back here when everything has been paid. I'm sure we can get them into court pretty quickly once they agree to service. Kathleen Lara – The person who is appointed to accept service can come into the Building Dept. and get the papers, right? Paula Kay – Yes. Jim Carnell – Which I believe Brian attempted to get them to do, but there were issues with the structure of the corporation. Paula Kay – They can appoint someone or do they have attorney? Joel Kohn – Not that I know of, but I will check. Paula Kay – Or we can schedule a work session with you, your clients, Jim and myself and we can come up with what reasonable fees would be. Joel Kohn – You mean out side of court? Paula Kay Right, but then I do think it should still go to court to be put on record and Brian Kaplan should also attend the session. Jim Carnell – As far as the additions, I don't know where we stand with the status of issuing the permits. I don't know that the plans submitted were adequate. Michael Croissant – Were there any inspections done? Jim Carnell – No, like I had mentioned, Brian tried to access the property a couple times to inspect what was built and we were never contacted for any inspections such as footing and framing. Paula Kay – Matt Sickler, I think you should also be at this work session as it sounds like we are going to need an engineer to review the as builts. Matt Sickler – Okay, that makes sense. Joel Kohn – I hired a surveyor to go out there and locate everything. We have, I believe, a 2016 survey, so we will be able to compare the 2 and see everything that was done. Kathleen Lara – That is going to be very helpful, thank you for doing that. Michael Croissant – What do we do about them continuing work now? Joel Kohn – I'm not aware if they are continuing to work, but I will definitely check that out. Paula Kay – The more they continue the higher I think the fine should be. Arthur Knapp – Correct. Jim Carnell – Technically our code says \$250 per day from the day they were notified and they were definitely in receipt of a stop work order and one of the owners acknowledges that. Michael Hoyt – Would you say it's been 2 months? 3 months? Jim Carnell – At least. Arthur Knapp – Well whatever it is it's \$250 a day on a go forward basis. Michael Croissant – Right and I think we should try to make that \$250 per day from the date of notice stick. There should be zero leigh way

there. Jim Carnell – The judge will have to determine that but is certainly what we will ask for. Joel Kohn – So, we will have a work session set up and I will talk to my client to see to go about getting served.

Helen Budrock – Paula, if the application is split, do we have to do a 239 to the county for the illegal additions or just when they are ready for the new construction, as this is a special permit use and is on a county road? Or would that be kind of pointless? Paula Kay – Yeah. I don't think that is necessary, but I don't think we are even close to 239 until we can address the illegal work done. We want to make sure that everything that's there is safe, in compliance with the building code and that the Building Dept. has access. I think it is also important that that Joel's clients understand that this isn't the proper process.

Kristin Boyd – Looking at the Building Dept. notes, the site plan approval was for a cluster development and there was verification needed to see if they still meet the definition. Is that something that still needs to be determined? Helen Budrock – It was something I put in my notes because cluster developments require sort of a HOA and because of the difficulty serving the corporation, I just wanted to confirm this. Maybe in the work session you can confirm the ownership structure and that there is an HOA and that there is the proper structure to still qualify as a cluster development. Paula Kay – If it's not a cluster development, what else use can it be? Joel Kohn – That is the only use it can be. Helen Budrock – So, we can cross that bridge when we come to it, but I know there were questions about ownership and how the site is being used. Joel Kohn – It's probably not because it is 1 owner and I wouldn't think there is an HOA, but I will check out the ownership structure as well. It's a 20-acre property with a total of 6 homes. Helen Budrock – Are the homes rented out. Joel Kohn – It is all family. Robert Haywood – No, there is no HOA that I know of.

Paula Kay – Were there people living there this summer? Jim Carnell – Yes.

Kathleen Lara – It's my understanding that they are bring up handicap children to the site. Robert Haywood – Basically they are running an organization called "Cares" and they take care of autistic children. 2 of the houses are used for the 2 owners and the other 3 houses are for when the autistic children come up. Each house has its own counselor and they have a very nice program. Paula Kay – It sounds like they do. We just want to make sure those kids are safe and it's sounds like they are not at this point in time. Robert Haywood – Some of the stuff is questionable. Michael Croissant – Also, this is going to change the whole use of the property. Robert Haywood – I don't really understand all of that, I am just trying to be honest about what is happening. Paula Kay – That is why it is important we have a work session with the owners. I understand that you are just working on the buildings, but there was a site plan approval with a specific use for this property and that is not being done with the property. My biggest concern as the attorney for the Board is the continued building without a permit. That's a serious violation, especially with people on the property. You are more than welcome to come to the meeting with the owners if you'd like. Robert Haywood – Is there a way for me to speak on the owner's behalf. Paula Kay – You would need an Owner's Proxy.

MICHAEL RIELLY

473 Wolf Lake Road, Rock Hill, NY
Joel Kohn, Project representative

Michael Hoyt was recused.

Joel Kohn – Mike has 2 tax lots on Wolf Lake Road and Old Sacket Road that are a total of 4 parcels. 1 of the lots has the house on it and the other lot is divided into 3 parcels, parcel A, parcel B and parcel C. Mike submitted an application for a storage shed and then later submitted an application for a lot improvement to combine the 2 lots. I will let Jim explain why we couldn't do it with just the lot improvement application and require Planning Board approval. We are here tonight to move that property line to combined parcel B into parcel A and make them 1 parcel. It can then be 1 tax lot or possibly even 2.

Jim Carnell – Mike came in as soon as we realized his shed was over the property line, not thinking it was going to be an issue when he built it, to rectify the situation but we were not able to do so with just a Lot Combination application. Our zoning code allows us to combine parcels that were not part of a subdivision or an approval from the Planning Board, but once the Planning Board becomes the Lead Agency that authorizes a subdivision, they are the only ones that can alter that same subdivision. In his situation, the lot that his home is on is one tax lot and was created through a subdivision that was approved by the Planning Board and all of the Emerald Green subdivisions were created by a subdivision. The other tax lot is technically 3 parcels because the lot is intersected by roads and our code says any parcels that are intersected by public or private roads are deemed already subdivided. As you can tell, this gets a little complicated and we figured we better bring it to you as the Board is the entity that should take authority on this. We may have to confirm with Real Property to determine how best to handle this. They may end up creating 3 separate tax lots for the parcels that are already subdivided and then do a combination with one of those parcels and the parcel the house is on. Helen Budrock – That might be the easier way. Kathleen Lara – Right. Jim Carnell – That's what I thought would be the best way. Joel Kohn – I had a phone call with Mike Rielly today and he said he doesn't care which way it has to be done, whatever is the easiest and quickest way. He owns all of it and doesn't plan on selling it, so if it's easier to make it all 1 tax parcel, then that is fine too. Paula Kay – I think that sounds easier. Helen Budrock – Then it's just a lot combination? Joel Kohn – Correct and then he probably won't need a survey for that. Jim Carnell – No he won't, but we still come into the condition where they're already deemed subdivided by our code. Although, they will just be there and if he wanted to get separate tax lots for them in the future, he can and he won't have to come back in front of the Board for that. He would just have to go to Real Property and get a separate tax lot. Also, this way he can get 1 tax bill instead of 4 of them and won't end up paying more in taxes for the same amount of property. Joel Kohn – I guess we are doing one tax parcel. Jim Carnell – We will go over everything with Chris and Mike and then come back to the Board. Joel Kohn – I think we can be ready in 2 weeks for the next meeting.

JAN MACH

5 Friedman Road, Monticello, NY
Tim Gottlieb, Project engineer

Tim Gottlieb – This is a simple 2 lot subdivision out on Friedman Road. The existing lot, lot one, has the existing house, well, septic and garage on it and the other lot, lot two, will be a vacant lot that they are looking to put another house, well and septic on.

Jim Carnell – I think they were supposed to be here at the last meeting. Tim Gottlieb – No, I wasn't at the last meeting. Jim Carnell – I think it was on the agenda, but it didn't have enough information yet. Tim Gottlieb – Right. Jim Carnell – I don't know if the board recalls what they were looking for. Helen Budrock – I think the outstanding item was just a perk test, right? Tim Gottlieb – It was sewer plans for

the vacant lot. Jim Carnell – Which is what we didn't have in time. Michael Hoyt – Do they meet all the requirements? Jim Carnell – Yes and there is a separate driveway.

Arthur Knapp – Everything looks good to me. Paula Kay – This project is on the agenda for both a discussion item and an action item tonight. This way you can act tonight if you wish to.

ACTION ITEMS:

JAN MACH

5 Friedman Road, Monticello, NY
Tim Gottlieb, Project engineer

This project was discussed with the last discussion item.

Helen Budrock – This is a type 2 action so no SQRA is required.

A motion for a minor subdivision was made by Arthur Knapp and second by Kristin Boyd.
All in favor, 0 opposed.

KRASNA

203 Anawana Lake Road, Monticello, NY
Joel Kohn, Project representative

Joel Kohn – The applicant is proposing to add a pavilion building, a classroom building and parking on the other side of the road, with the pedestrian overpass. The County wanted a pedestrian study, which was done and submitted to them last week. In the meantime, as that will probably take the County some time to review, they would like to construct the proposed classroom building and the pavilion building, which is basically a pole barn and is just a covering for the kids if needed, before the next season. Since we do not have approval from the County yet, we are not asking for the rest of the stuff, like replacement of the big dining room building, the new parking lot or the pedestrian bridge. We would like to just take care of the pavilion and classroom buildings and get the public hearing scheduled for that and kind of separate the approval to approve these 2 buildings first and then the rest when all 3rd party approvals are in.

Helen Budrock – Joel, did you get a chance to see the pictures Mike Messenger sent in? Joel Kohn – Yes, I saw them just before the meeting, but these pictures were from 4 years ago. Jim Carnell – It hasn't been fixed yet. Joel Kohn – I don't know. Michael Hoyt – I believe it was temporary plumbing. Jim Carnell – I know that Brian was out there this year and gave him a stop work order to stop him from installing a septic tank, but I don't think that has anything to do with correcting some of those other issues. Joel Kohn – Okay. So, I wasn't aware of any of these violations until yesterday. I was aware that there were some buildings being used differently than they were being used before. We were coming back to the Planning Board for those buildings, which are the buildings noted on the sideline. I took some time to review the violations today and there are a total of 19 violations. Out of those 19 violations, 7 of them have been corrected, 9 of them have to come to Planning Board, 2 of them are for property

maintenance and the last one is related to a building. Essentially, a lot of the violations have been fixed and about half of them have to be in front of the Planning Board, which for the most part have been noted on the site plan that we are coming to the Planning Board with tonight. It looks like there is a ton of violations but most of the have been addressed and/or are being addressed. Michael Croissant – Is it just the violations that need Planning Board approval that are still outstanding? Jim Carnell – Of which most of those were just conversions to the use of some spaces. Joel Kohn – Right and obviously they can't close them out without coming to the Planning Board first. Then there were 3 more violations. One was a fire inspection that needed to be completed. Another was about stormwater draining into the sewer, which was the violations shown in Mike Messengers photos/video. Michael Croissant – Has that been fixed. Joel Kohn – They have done smoke testing, I think 2 or 3 years ago, and they fixed all of there infiltration. Michael Croissant – And there above ground sewer pipes? Joel Kohn – I don't know if they have above ground sewer pipes, I mean they may. Jim Carnell – Mike did come to my office yesterday, which is why the violations were sent to you guys yesterday, because he saw this project was on the agenda and wanted to make sure we were still aware of this issue. It was from a few years ago and I don't know what has been corrected as far as any of the infiltration, as we were not part of any repairs that may have been done, we didn't do any inspections of any of those repairs nor did we get any documentation from their engineer showing any repairs. Again, I do know one of the violations that were issued this year was for installation/replacement of some sort of a septic tank without a permit. Joel Kohn – I will check on that. Jim Carnell – I don't want to say that's 100% accurate but that is what I recall. Logan Morey – I think I may have told you that wrong because Garden Hill was looped in with the same tax map number, so that may have been a Garden Hill violation. Joel Kohn – Logan, correct me if I'm wrong about anything as you know way more about the property then me, they had one building that they occupied without a certificate of occupancy, they had some remodeling done to that. As far as the sewer goes, I didn't know anything about that until I watched the video, an hour before tonight's meeting, in which I called the owner immediately after watching and asked him about it. He told me that they worked on it in 2018 or 2019, we had a smoke test done and all the leaks were fixed. He sent me a video that he took at 6:45 this evening showing the sewer main on Anawana Lake Road that is completely dry even though there was about 6 inches of rain in the last week. I will play the video for the Board. *Video was played* As you can see, the same manhole in Mike's video is completely dry now so I guess they did something to it. Of course, we will need to confirm that with the sewer department, but it's my understanding that it has been address and they just never notified the Town. Jim Carnell – Maybe sometime between now and the next meeting, we can engage staff from the water and sewer department to go out there and determine if it has been fixed. Also, we should make sure we have enough capacity at the Anawana pump station to handle whatever additional flows will be coming from the new, proposed buildings. I believe Mike had issues in the past with the gravity lines that go to that pump station. Joel Kohn – There isn't really go to be any additional flows. The classroom and pavilion buildings will not have any water and the dining room building is already existing and is just a replacement. They are no adding much, but we can verify all of that. Matt Sickler – I will get with Mike and Joel and we can compare the numbers and verify everything.

Michael Croissant – There's an awful lot of stuff still going on here so I think they are not ready for a public hearing. Do we want to wait until we are able to verify the work's been completed before we schedule a public hearing? Paula Kay – Sound like it for this case because of the length of time it has been and because the applicant just got that notice 2 days ago and the Board hasn't had a whole lot of time either. It makes sense to let the water and sewer department go out there first and then schedule the public hearing at the next meeting. Kathleen Lara - I agree because then there will be a certainty that this has all been taken care of. Joel Kohn – Looking at the calendar, the only thing is next month there is going to be holidays, so I am going to ask the Board to reconsider their decision on scheduling

the public hearing. Paula Kay – Will you be here the next meeting? Joel Kohn – Yes. Paula Kay - Maybe the Board can schedule it for sometime in October, not on a holiday. Maybe the 2nd meeting. This way there is ample time to address everything. The 2nd meeting will be 26th of October and appears to be the next meeting that will work. It is too late to notice in time for the next, last meeting this month and then the 1st meeting in October you will not be able to attend. Jim Carnell – That give 6 weeks to get things together with Mike and Matt and report back to the Board. Joel Kohn – If we do the public hearing on the 26th of October and there are no public comments, can we get approval at the same meeting? Again, we are just talking about the pavilion and classroom. Paula Kay – The Board has done that in the past. Helen Budrock – So you will still be back at the next meeting with an update and we will schedule it then? Paula Kay – No, it will be scheduled tonight for the 26th, subject to water and sewer approval. Joel Kohn -And if there are no public comments, then the Board can act is they wish to.

A motion to schedule a public hearing on October 26th, 2022, subject to Mike Messenger's approval, was made by Kathleen Lara and second by Kristin Boyd.

BIRCHWOOD ESTATE – BUNKS 1 & 2

762 Sacket Lake Road, Monticello, NY
Glen Smith, Project engineer

Glen Smith – This site is located on Sacket Lake Road and has been there for quite a few ears now. The boy's camp was originally approved for 8 bunks with 10 beds in each bunk for a total of 80 beds. Years ago, they built bunks 3 through 8 and never built bunks 1 and 2 because they are located kind of in the middle of the map where they would like to put Volleyball and everything else. The green area on the maps I passed out is where the bio retention basin currently is. This was part of stormwater plan for the original Birchwood Estates and was built back in 2016. So, all of the drainage in the camp goes down to that bio retention basin and then is discharged into the wetlands behind it. On the upper part of the same map, I show where bunks 1 & 2 were going to be build, but never were. They now want to build these bunks and really have no place to build them other then in the middle of the camp. With that being said, they would like to combined the 2 bunks into 1 building, with a total of 20 beds, and move it to the area where the bio retention basin is now. We would move the bio retention basin to the east side of the property, which is right next to the Town of Thompson's sewer plant, and would keep all dimensions and the footprint the same. The only thing different is where we would be sending the stormwater before it is discharged. Basically, what the applicant is looking for is a minor site plan modification.

Paula Kay – Has Matt Sickler looked at this yet? Matt Sickler – Yes. I was able to look at it earlier today and my only comment would be if you could put the details for the new stormwater basin, with the plan set, showing some detentions to clarify the size, capacity and details of construction. I think that would be fine. Glenn Smith – Okay. I'll just pull that from the original SWPP map and put it on the current plan and make it sheet 2 of the updated plans. Matt Sickler – Okay. That sounds good.

Jim Carnell – Since the disturbance will now be less then an acre, do you have to have a new NOI for that? Or just a modified SWPP? Glenn Smith – Basically, just a modified SWPP. Jim Carnell – Has the original one been closed out or is construction still going? Glenn Smith – No, it's not closed out because

construction is still ongoing. Matt Sickler – Yeah, so if a NOT hasn't been filed yet, it is just a modification and we will update the copy of the SWPP on site. Jim Carnell – Okay.

A motion to approve a minor modification to a previously approved site plan, subject to the Town engineer's review of the SWPP and comments, was made by Michael Hoyt and second by Kathleen Lara. All in favor, 0 opposed.

CHOICE PROPERTIES

146 Rock Hill Drive, Rock Hill, NY
Doug Noland, Project representative

Doug Noland – We are looking to put in 2 small green houses.

Paula Kay – Doug, are you an owner? Doug Noland – No. Paula Kay – Do we have an Owner's Proxy on file? Doug Noland – Probably not. Paula Kay – How are you associated with the project? Are you a member of Choice Properties LLC? Doug Noland - No, not Choice Properties. Jim Carnell – Are you an owner in the business, but not the property? Doug Noland – Yes. Kathleen Lara – There is a Proxy on file. Paula Kay – Okay. Good. Doug Noland – Maybe from a while ago. Kathleen Lara – Sorry, it is from 2018. Jim Carnell – Well, they are partners in business, just not this property, and this is just a minor modification to an existing site plan. Paula Kay – We have the Owner's Proxy from 2018 with Darren Schwartz authorizing you as a representative, but we should probably get a new one. Could you have someone, send an updated Owner's Proxy to Laura in the Building Dept. by the end of the week. Just to be on the safe side even though we are aware of the relationship.

Helen Budrock – I believe I have the previously approved site plan pulled up for everyone to see and then the new site plan. You can see the only difference in the 2 are those 2 little squares at the bottom, which are the proposed greenhouses, correct? Doug Noland – Correct.

Paula Kay – What are you looking to grow? Doug Noland – Vegetables. We feed the employees. Jim Carnell – If you see the little bump out to the right of the entrance there, that's their kitchen and they have on-site lunch for the staff. Paula Kay – That's amazing. Helen Budrock – Yes, it's great.

Kathleen Lara – I don't see an issue with it. Michael Hoyt – I'm also good with it.

A motion to approve a minor modification to a previously approved site plan, subject to receiving an updated Owner's Proxy, was made by Kathleen Lara and second by Michael Croissant. All in favor, 0 opposed.

LEISURE ACRES

Waverly Avenue & Cold Spring Road, Monticello, NY
Joel Kohn, Project representative
Meyer Silber, Property owner

Joel Kohn – At the last meeting the Board approved the start of infrastructure, subject to the Developer's agreement being approved and that the project come back to establish the recreational fee. I'm not sure if you had a chance to look at them yet, but I submitted some quotes we got for the

playground equipment we proposed to install. There will be 3 separate playgrounds with 3 different types of playground equipment. The equipment is going to cost them between \$170,000.00 to \$180,000.00 so it is not cheap equipment. With that being said, we are asking the Board to consider establishing the recreational fee at the lower fee of \$1,250.00 per unit, instead of the \$2,500.00 per unit.

Paula Kay – We had a previous discussion and as you know, the \$2,500.00 per unit is what is set by code and it is the burden of the developer to prove to the Board why they should reduce that. It can be reduced down to \$1,250.00 or anywhere in between, if the Board so chooses based on the facilities you are providing. Joel Kohn – I understand, but have only seen the Board approve either the \$2,500.00 or the \$1,250.00. The site has a community building, 3 swimming pools, a walkway almost a mile long and the 3 playgrounds. There is plenty of recreation on site. Of course, some people will go off site, but there is a lot of recreation on site. Kathleen Lara – I have to say the walkway for me is a big plus. As we all know, the culture is to walk and be outdoors and the safer you can make a place for the residents and their children to walk free the better. I also think 3 playgrounds, although it is kind of a small fit, is important because of the number of kids. I like the site and think it is adequate to receive a reduced recreation fee. Michael Croissant – My only problem with it is that you have 3 playground areas that are meant for children of a certain age, but there's nothing I can see, other than the pools, for grown children. I don't see a 15-year-old sliding down that small yellow slide. Meyer Silber – It does have a place for climbing. Michael Croissant – No, I don't see it. I just can't see it. It's great for little kids, but I don't see a lot for teenagers. Joel Kohn – In these developments, typically you don't have a lot of teenagers. Michael Croissant – But they are going to become teenagers. Joel Kohn – Once they become teenagers, they go to camp every year. So, not a lot of teenagers in developments like this. Jim Carnell – What is the general age the kids start to go to camp? Joel Kohn – 9 or 10 years old. It depends on if it's boys or girls. The boys a little younger, the girls a little older. Jim Carnell – To Michael's comment, I wouldn't want to see them spend a lot of money on recreational facilities that are not going to be used because the children of a certain age aren't going to be there. Michael Hoyt – Won't they come back after camp? Jim Carnell – Yes, but it's pretty much the end of the season by then. Michael Hoyt – So it's a sleep away camp? They are not coming back and forth each day? Joel Kohn – No, not the older children. The younger ones do go to day camps and will go back and forth. Kathleen Lara – I understand that it is a different culture so when I saw the playgrounds for small children, I didn't see any issue. I guess I just see it differently than Michael does. Michael Croissant – How many children do you think will be on site total now that the development has been built out? Joel Kohn – I'd say an average of 3 younger children per house. So, probably about 200 kids at a time, but they all won't be playing at the same time. Meyer Silber – They play on the playgrounds, ride bikes and things like that. Paula Kay – Also to help you out, when you are looking at the possibility of reducing the set fee, you can look at the population demographics of the proposed development, the type of facilities proposed, whether passive or active, the nature of the facilities, the number of housing units, the seasonality of the development's population, as well as seasonality of the onsite facilities and the location of the proposed development relative to proposed or existing public recreational facilities. Again, the fee is set at \$2,500.00 per unit, which you can stay at or you can reduce it down to the minimum of \$1,250.00. Michael Croissant – I'm still not 100% for the minimum because I still think that there's not a great amount of play for 200 kids. I don't think it's not even enough for 100 kids. Don't get me wrong, it's beautiful and the 3 locations are great, I just don't think there's enough for the number of kids. That's only my opinion and there are 4 other people who get a say. Joel Kohn – When the Town created the recreational fee a few years ago, there was a study based on how much impact there will be on town parks, on the maintenance of them and if the Town has to put in new parks. I don't think this will have a major impact on the Town's existing or proposed parks and therefore not deserving of the maximum fee. We look at proposed

recreational facilities in the development, but we also look at the overall impact the development will have on town parks. Helen Budrock – Jim, is there still plans in the works to rehabilitate Summerville Fields? Even though that's in the Village of Monticello, it's still less than a mile away from this site. Jim Carnell – There is intentions, but I don't know what the status of it is. It's owned by the school district and I know that Patrice has been seeking some grant money to make things happen. Michael Croissant – But that's down the road. You heard my opinion, but the rest of the Board can weigh in. Arthur Knapp – I'm inclined to agree with Michael. Michael Hoyt – Me too. Even looking here at the back of the property, you could put a ball field or something that may help a little bit more. Paula Kay – Kathleen, is there a number you are thinking of? Kathleen Lara – I kind of reviewed all of this beforehand. I grew up in a development with playgrounds and we didn't just use the playground, but everything around it. So, I personally thought for the size of the site, they maximized the things that you can without using all of the open space because obviously it's not just the kids living there and using these facilities. Again, another big thing for me is the walking path within the development and the safety that provides. I personally thought the \$1,250.00 was reasonable considering there is not much room to put more and knowing other places don't even make an effort to put in facilities. Joel Kohn – There was that study done and since this is an existing project, it should be covered by that. Jim Carnell – This was discussed early on with the Board and there is a net increase in this project of about 30 units and only those new units should be charged the fee. Joel Kohn – There is a total of 34 new units. Paula Kay – If the fee is only for the new units, then you may want to just do the \$2,500.00. I did the math and if it was the decreased fee of \$1,250.00 for all 68 units, it would have been \$85,000.00 and the set fee of \$2,500.00 for the new 34 units would be the \$85,000.00. So, there you have it folks. Michael Croissant – Is everyone good with that? Arthur Knapp – I am. Kathleen Lara – I'm not but it's a vote amongst the whole Board and not just me.

A motion to set the recreational fees at \$85,000.00 was made by Michael Hoyt and second by Arthur Knapp.

4 in favor, 1 opposed.

VIZNITZ – 27 LOTS

Gibber Road, Kiamesha Lake, NY

Joel Kohn, Project representative

John Capello, Project attorney

Mark Millsbaugh, Sterling Environmental engineer

Naftula Neiman, Owner of Viznitz Community

Lasier Kreindler, Associate of Viznitz

Joel Kohn – This project received pulmonary approval. They came before this Board with the Developer's agreement and started clearing the land and roughening roads. They are waiting for DOH approval for the water system and DEC approval for the sewer main extension. DEC provided comments that were responded to a couple weeks ago, so hopefully we will have approval from them soon. DOH comments were received around the same time and Mark is working on addressing them. Due to how long it can take for the DOH, we are asking you tonight to allow the developer to start foundations, before we have water and sewer infrastructure. There are a lot of people in the community looking for homes and some of them are currently living with their parents when they should have their own house. Needless to say, they are eager to get this project moving. Again, we are asking to be able to start

foundations. This would be subject to posting a bond that will cover the estimated amount it will cost to remove these foundations, if for some reason the project cannot continue and they have to be removed.

Paula Kay – Where is the water coming from? John Capello – We are forming a separate transportation corporation and that is what the DOH is currently reviewing. We are at a little bit of a catch 22 because the DEC is saying to issue the water taking, we need the transportation corporation, the DOH is saying to issue their approval they need to see water taking and the Town is correctly saying to form the transportation corporation, we need DOH approval. We are trying to coordinate them all and then all should fall into place. Ultimately, a separate water transportation corporation will be the entity that serves the water. Michael Hoyt – I think you need to have all of that in place before we can allow you to put anything in the ground. Kathleen Lara – I agree. John Capello – As I mentioned, we need to get a little progress to get any infrastructure in the ground and I will let Mark speak to the particulars of the actual water supply, but we are much closer to being there and I think it is just a matter of time before the DOH acknowledges the option we are hoping to proceed with.

Kathleen Lara – Can you reiterate Mike Messengers concerns/comments? Jim Carnell – I think both the DEC and DOH's comments basically indicated that no work should be preformed on any kind of infrastructure until they have approvals from all respective agencies. Joel Kohn – I just want to clarify that we are not looking to put in any water of sewer mains before we have approvals from DOH and the DEC. We get it and will not do that at our own risk. We just want to start putting in foundations so they are a little closer with the project. Paula Kay – What about the pump station? Do you know Jim? Jim Carnell – That is what the DEC is referring to. Paula Kay – Have the parts been ordered? Joel Kohn – No, we can't order any parts before the DEC approval. We don't anticipate any changes in the design based on the DEC's comments, as we have already seen them, but we really shouldn't order any parts before their approval. The parts have already been discussed and once we have DEC approval, they will be ordered right away. This way if there is a supply chain issue, we will have ample time to get them. Paula Kay – The reason I am asking that is when this project first came before the Board, our engineer, who was Dick McGoey, pointed out that the existing pump station was in disrepair and he asked that it be taken care of immediately. Joel Kohn – That has been taken care of by installing new pumps. It's not a completely new pump stations but those pumps were replaced and I don't think there were any further complaints after that. We haven't had any recent complaints from Mike Messenger and we are keeping an eye on them. I just want to clarify because I think there may be a little confusion, the letter from Mike Messenger to the DOH and DEC is not talking about any other work to be done prior to approval. It is just related to the water works or the sewer works and not related to the buildings. So, it's not like the DOH, DEC or anyone else is recommending that you can doing buildings before their approval. And I get your concern and that you want to make sure they have enough water and enough sewer, which we know they have and there are just some technical items that needs to be taken care of. Michael Hoyt – I'm just not comfortable approving this right now. Michael Croissant – I don't think anyone up here is very comfortable with it. Kathleen Lara – Water is the biggest issue in every development, right?

Michael Hoyt – Where are you with the DOH and how long has this been before them? Mark Millsbaugh – Mike Rielly's subdivision was submitted to the DOH approximate to the preliminary approval. I was retained to develop the offsite water supply when the determination was made by the DOH, and by this Board, that the subdivision could not connect to Kiamesha Artesian Water Company. I made a preliminary submittal late last year, that resulted in a face-to-face meeting with the DOH and we got

some preliminary comments back. Our preliminary layout anticipated putting water mains in the same streets that Kiamesha Artesian currently has water mains in and the DOH said that wouldn't fly. We reworked the design and submitted the new engineering report on May 31st. It took until August 30th to get a comment letter back. They commented on my design, the offsite water supply, which is the former Gibber wells and the transmission main, which goes along the Town boarder up to the Viznitz subdivision to tie into the water mains Mike Rielly designed throughout the subdivision. Then there's a proposed water tank that we did the engineering on. The DOH didn't just comment on my design but went thoroughly through Mike's design as well, so there's somewhere around 20 pages of comments. Most of it is just seeking clarification. They've asked for consistent nomenclature across the 2 design teams. They also commented on pump tests that were performed by Miller Hydrogeologic and ask for some clarification on that so I have to coordinate with Miller. I am currently working with Mike Reilly and Bob Miller to do a comprehensive response, item by item, back to the DOH. I'm not finding anything in their comments that would be a deal breaker, but there is a fair amount of work to be able to respond. We have the yield but the DOH may seek conformation. We did suggest bringing in an additional well because the original design was water limited. You may recall the need to reduce the number of bedrooms or the size of the units. Bringing in the 3rd well helps meet the DOH criteria requiring that you need to have sufficient water supply with your largest well out of service. So, 3 wells, 1 at a different location, is better then having just 2 wells at the same location. That's pretty much were we are and once I have input from Mike and Bob, I'll be in the potion to provide a response to the DOH.

Naftula Neiman – I would like to add one thing, we have 3 wells right now and all of them were pump tested. One of them was around 60 gallons per minute and that should be enough water to cover everything. Then we have another one that is 50 gallons per minute and the final one produces 30 gallons per minute. If you are thinking we don't have enough water, then let's not build all of the houses because there are a lot. Maybe approve some foundations, like we can just do the townhouses, to reduce it. We just are looking for permission to start something. This way we can get our funding.

Michael Croissant – I don't think it's a question about how much water you have, but a problem that the outside agencies haven't giving it their blessing. Naftula Neiman – But they have. Michael Croissant – maybe not. Joel Kohn – It's not a discretion of the approval. Naftula Neiman – I think at the bottom of the DOH letter it says something like, with all comments answered and some work done, it's all good.

Mark Millsbaugh – What the letter says is, "once the requested information has been received, we will continue to process the application for approval." Matt Sickler – Joel, can you send me the water supply report and plans? I have not seen them yet. Joel Kohn – Yes.

Helen Budrock – It's already September, so how much more time are you looking to get? I mean with the supply chain services and everything else. Even if the Board granted an approval for this, would you actually be able to get foundations in before the weather sets in? Joel Kohn – Yes. Also, you made a good point, if they can get approval tonight to put in some foundations, they will be able to get them in before winter. If they have to wait for approvals from the other agencies, they won't be able to start until next year.

Michael Hoyt – What size tank are you putting there? Mark Millsbaugh – That's something the DOH comment on. We originally sized it large with the anticipation that there may be a future connection to Kiamesha Artesian and that it would put storage on that end of the Kiamesha system. If they are going to be completely independent, we would put a smaller tank and I believe that tank would be around 240,000 gallons. Michael Hoyt – Has that all been done and ready to go? Mark Millsbaugh – We have

proposals from tank suppliers. Michael Hoyt – Are they being put in? Mark Millsbaugh – No, not until we have approval. Michael Hoyt – So why don't you tank order in just in case the DEC & DOH give their approval. John Capello – That we can't do because it does require DOH approval and is considered to be on the water works side. Michael Hoyt – I know how it works, but do you see what I'm saying. Lasier Kreindler - We have investors saying this is taking too many years and nothing is happening. We are doing everything that the town wanted and have spent millions of dollars with digging and the whole mess with Kiamesha Artisan. We are at a point that we can't go further without a construction loan from the bank and they are saying without showing some foundations, there is no construction loan. Kathleen Lara – The delay is not our fault and as a Board member I am telling you we got something 2 weeks ago stating that we are not to do any approvals unless the project absolutely has all of the DEC & DOH approvals required. This is what is holding us back. I respect the offer for the bond and I'm not one to stop progress, but that dictate makes me uncomfortable with approving this. Michael Croissant – None of us wants to stop progress for anybody. Lasier Kreindler – I just wanted you to know and understand the position we are in at this time.

Paula Kay – I think that you are asking the Planning Board to act on something that still has some complex work to be done on the applicant's behalf. These are 2 outside agencies that this town really needs to listen to especially being we know water is a huge issue in that area. I understand what you are saying and if the Planning Board allowed the foundations to be constructed at this point, you would be able to get further when and if you get your DEC and DOH approvals, but I think it also puts this Board in a difficult position, especially when our water and sewer superintendent advised otherwise. John Capello – We understand and recognize that and that's why we are here to discuss our options. When we talk about disturbance to the site, usually there is no disturbance to the site until SEQR has been complete. SEQR is complete on this project so technically the site cannot be disturbed. We cannot install the water and sewer agreements until we have the DEC approval so what we are asking is for consideration of getting relief to be able to go in and do the clearing work, based upon the grading and stormwater plans that were reviewed, approved and will not be changing. This way we can put in the foundations with an appropriate consideration and submitting of a security for the town, that way if something doesn't go right and needs to be undone, there is big money sitting in a bond that will cover the removal of the foundations. That's the pitch. Michael Hoyt – I get everything you guys are looking to do and I can appreciate that you are looking to get ahead of the curve, but we're not just talking about the DOH saying something simple like you are short 10,000.00 gallons of water so you have to raise the tank, they sent 20 pages of comments to be addressed. That sounds like it's probably a lot of technical stuff that needs to be taken care of. Mark Millsbaugh – There are a few substantive comments, but a lot of them are along the lines of label the Vignitz school on Gibber Road and change it from school to Yeshiva and remove the number signs from in front of the tax map numbers. Michael Hoyt – Those things seem like quick fixes and my opinion it's asking a lot to start with out their approval. Lasier Kreindler - To update you on where we stand with the DEC, because I was the one speaking with the lady from DEC, Nora. She actually sent me an email yesterday and said she finished the review and sent it to upper management. Hopefully within a few days we will have DEC approval. Paula Kay – Maybe send that in to us because everything helps, but respectfully, I think you have heard from most of the Board that they are not comfortable at this time to issue foundation approvals, even with a bond. It sounds like they want to see approvals from the state agencies in order to get to that next step. It certainly looks like you are getting there, but just are not there yet. John Capello – I think we beat this

up enough. We hear what you are saying and just hope you can keep an open mind. We will move as quickly as we can and get all the information required.

VIZNITZ INST.

24 & 32 Gibber Road, Kiamesha Lake, NY

John Capello, Project attorney

Mark Millsbaugh, Sterling Environmental

Naftula Neiman, Owner of Viznitz Community

Lasier Kreindler, Associate of Viznitz

John Capello – For this project, Mike Morgante at Arden Engineers has met with the DOH. This project also was originally going to go to Kiamesha Artesian and the DOH suggested that a well be drilled and service be provided to the site via well. Testing was done and I believe there was a conceptual letter of approval from the DOH 2 weeks ago. There will be an emergency connection available to Kiamesha and in essence the project has been approved with the wells. So, we are here to take the next step.

Michael Croissant – Matt do you have any comments? Matt Sickler – This is the first I've seen the revised plan with the well location being shown and I don't think we received anything on the stormwater design. I see that one is proposed under the parking lot. I don't know if Mike is looking for feedback on the layout or some kind of a confirmation on that before proceeding to final design of the stormwater plan, but that would be typical. Helen Budrock – It looks like the last time you guys were here was back in April and it does indicate in the notes that Matt had requested additional information on location and design of the stormwater management facilities. I think conceptually was provided, but a SWPP needed to be prepared. Has the SWPP been done and submitted to Matt? Naftula Neiman – I believe you asked that from us the first time we came and by the second time we came we showed where the storm water was going to be placed and at that time, we were asked by Matt Sickler what is going on with water. This is an existing building that we were just looking to add an addition to, but you wouldn't allow that. We were told to get something from the DOH and come back with that. We spent a long time going back and forth with the DOH and they wrote back that we can do the well, but we need another 100 feet control from the property next door. We sat with the neighbor and made a deal, it took a long time, but we came to an agreement. Either we are going to change the lot lines as we own the properties on both sides or we're going to just do an easement. John Capello – This would be an easement for control within 200 feet. Considering we have addressed all of the other issues; we'll get that done or we'll ask for that to be a new condition for the building permit. Naftula Neiman – As soon as I received correspondence back from the DOH, I think it was on Wednesday, I emailed them right away that I wanted to come and pick up the stamped plans and took them straight over to the Building Dept. John Capello – I know we still need the SWPP and I will have Mike contact Matt with that. Helen Budrock – There were 2 outstanding issues with the water and they decided to go with on-site wells, which they got the DOH approval for, and then there was the stormwater management, which is what Matt still needs to look at. Naftula Neiman – Correct and it is now just the SWPP that needs to be reviewed. Jim Carnell – I know you submitted the permit application to dig the new well and Eric denied it thinking it was part of the original Viznitz project. I spoke to him this morning and it is all straightened out now. Naftula Neiman – I appreciate it and I have a well driller ready to drill it when I get the permit.

John Capello – Again, I apologize as I am late to the show here, but has a public hearing been done already? Helen Budrock – This is a permitted use so a public hearing was not required. John Capello – Where do we stand with SEQR? Helen Budrock – We didn't do Lead Agency or anything like that because it was also not required, so the Board can do SEQR and NEGDEC and if you feel so inclined, you can do a conditional site plan approval pending Matt's review of the SWPP. Kathleen Lara – I would be okay with that. Michael Croissant – Matt, are you okay with that? Matt Sickler – Yes. Kristin Boyd – Should it be conditioned on the documented easement as well? Paula Kay – Yes. Naftula Neiman – That's no problem. We just wanted to wait for some sort of approval before we went a head with that. John Capello – It may take a little time, but we will get on that.

A motion for NRGDEC was made by Kathleen Lara and second by Arthur Knapp.
All in favor, 0 opposed.

A motion to declare Lead Agency was made by Kathleen Lara and second by Arthur Knapp.
All in favor, 0 opposed.

A motion for final site plan approval, subject to review of SWPP and documented easement, was made by Kathleen Lara and second by Michael Hoyt.
All in favor, 0 opposed.

NOB HILL

4599 State Route 42, Kiamesha Lake, NY
Joel Kohn, Project representative

Joel Kohn – We last in front of the Board in January when we had the public hearing. We had one public comment asking that we just quantify the location of the proposed improvements, which we have now. They are proposing to demolish and replace units 13, 14, 19 and 20 and add a 30 x 35 Mikvah addition to the building. The public hearing was closed and the only outstanding item was that the new portion of Nob Hill was still waiting on sign-offs and needed to complete items for the Building Dept., which is why it took us so long to come back to the Planning Board. I believe that most of them are completed now and we are asking for final site plan approval tonight.

Jim Carnell – So, a substantial portion of the outstanding site items, or the major ones, were the fire access lane, handicap access and the stormwater management. Joel Kohn – And the road for the DOT. Jim Carnell – Most of the work had been completed, however, one of the things that we typically get from the design professional are sign-offs indicating that the work was done in a code compliant manner and basically acknowledging that it was completed, and this is the one thing we do not have. The original engineer, Randy Watson, who handled the site plan had retired during this project, but has agreed to stay on board until this project is completed. Just to clarify, the as built plans, as there were quite a number of changed during the construction, I believe have been completed, but we are still waiting on the sign-off. And not to muddy the waters too much, but it is my understanding that Randy is not willing to provide that documentation before some sort of financial arrangement is made. Michael Croissant – I think that is an important piece of documentation that we need. Arthur Knapp – Agreed. Jim Carnell – I will say, the work is done and is to our satisfaction, but we need to get the proper sign-offs. Another thing I want to bring up is the whole project came to fruition because they operated the

original 20 acres as a bungalow colony, which is not a permitted use in the SR zone. So, they subdivided the 20-acre parcel into two 10-acre parcels and created a cluster development with the new development. There was a whole density issue that went back and forth with this Board, as far as losing units, park fees and all these other things, but most of the issues were on the original bungalow colony now on one of the 10-acre parcels and not the new development. Joel Kohn – We are now within what is permitted in the code, which is 200 square feet per unit or 15%, whichever is greater, and there are calculations showing this for both the old and proposed units. Jim Carnell – And there were no variances required for any of them, right? Joel Kohn – Correct and we wouldn't have been able to get the public hearing done if that was an issue. Jim Carnell – There is still a little bit of stormwater management work that needs to be done. They did go back in and excavated the pond and changed the out flow. That was done by a completely different engineer, who I spoke with last week, and he was just waiting on a survey to verify some of those elevations. Once all of that is verified, there are plantings that need to go into the pond to finish that up. Also, we are still holding a small bond on the original development. Paula Kay – How small? Approximately? Jim Carnell – I believe in the 48,000 range.

Kathleen Lara – Jim, how do you feel about us making a final approval with a condition on the sign-off? Jim Carnell – That is completely up to the Board, but it would then be able to be closed out on our end. Kathleen Lara – I would be okay with that. Paula Kay – You can do the approval with a condition and state that if that condition has not been met within a certain number of days, you want them to come back. This way it kind of forces them to get with Randy Watson and figure out the finances. Helen Budrock – So, I have attentively conditioned on resolving all outstanding issues at the “old” Nob Hill development and submission of acceptable as built plans for that development by the last day of December 2022. Michael Croissant – As well as the completion of SWPP review. Kathleen Lara – Maybe we should put them on the agenda for the last meeting in December as old business, just so we can confirm everything has been done and nothing falls to the waist side. Helen Budrock – That would be the December 28th meeting. Joel Kohn – Usually that meeting gets cancelled. Paula Kay – Then the 1st meeting in January.

A motion for final site plan approval, subject to signed-off as built plans, by then end of 2022, and completion of the SWPP review, was made by Kathleen Lara and second by Kristin Boyd.
All in favor, 0 opposed.

GOURMET GLATT

4685 State Route 42, Kiamesha Lake, NY
Joel Kohn, Project representative

Joel Kohn – This project received conditional approval. I asked for an approval resolution as they wanted to apply to financial institutions and needed it to secure the funding. Part of that resolution basically stated that they needed the DOT permit, to relocate the entrance, before they could get the building permit. They did get conceptual approval from the DOT, but not the actual permit as it is a 2 or 3 step process. We are here tonight to ask the Board to modify the resolution to allow the building permit to be issued prior to received the DOT permit. Obviously, they will not start work on the road work before getting that permit, but this way they can start other work.

Michael Croissant - Did the DOT ask them to move the entrance? Joel Kohn – Yes, further away from the light so there is more room for cars to que up.

Kathleen Lara – I don't see any issue with it.

A motion to approve a minor modification to the approval resolution was made by Michael Hoyt and second by Arthur Knapp.

All in favor, 0 opposed.

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

All in favor, 0 opposed.

Respectfully submitted,

Laura
Eppers,
Secretary
Town of Thompson Planning Board