

APPROVAL

TOWN OF THOMPSON
PLANNING BOARD
December 28, 2022

IN ATTENDANCE: Matthew Sush, Chairman Paula Elaine Kay, Attorney
 Kathleen Lara Jim Carnell, Building, Planning, Zoning
 Michael Croissant Matthew Sickler, Consulting Engineer
 Helen Budrock, Sr. Planner, Delaware Engineering

No minutes to be approved this meeting.

Public Hearing:

DISCUSSION ITEMS:

WISE EQUITIES WAREHOUSE

Kroeger Road & Bridgeville Road, Monticello, NY
Zach Zabo, Project representative

Zach Zabo – We are proposing a 150,000 square foot warehouse with the main entrance on Kroeger Road. It's located in the C1 zoning district, which permits warehouse use. The parcel itself spans a couple different lots and is roughly 100 acres. A large portion of this property is wetlands with a DEC buffer. We currently have someone contracted to take a look at the wetlands and delineate them as of right now. There is another warehouse being proposed on the east side of Kroeger Road; this is separate from that. We will have a gravel access off of Bridgeville Road for emergency access only. This project does not have any public water or sewer to it. We would have to provide a well and septic system to get those utilities. We are really here tonight for Lead Agency circulation and to see if the Board has any questions or concerns for us to address.

Michael Croissant – Do you have a tenant in mind yet? Zach Zabo – No, not at this time. We are just at the beginning stages.

Michael Croissant – Is this project part of Weiss Realty? Zach Zabo – I know the applicant is Weiss Equity Developments, LLC. Paula Kay – Who is the principal of Weiss Equity or the members of the LLC? Zach Zabo – I don't know. Paula Kay – I think it is important for the Board to know if it is the same principals as the other warehouse project that is currently before them as well. Who is actually being represented by a different engineering firm, Lanc & Tully. Zach Zabo – Okay. Helen Budrock – There is a Joel Weiss on this application. Joel Kohn (from the audience) – It's not the same. Paula Kay – I think we need to confirm that because they are both Weiss, which is a common last name, and the projects are almost adjacent. If there

is common ownership the 2 projects really need to be addressed together. Zach Zabo – Okay. Helen Budrock – Maybe you can provide an affidavit or something. Zach Zabo – Sure. Paula Kay – Who signed the Owner’s Proxy? Helen Budrock – It looks like Joel Weiss. Matt Sickler – And his title is “member”. Helen Budrock – Well, the application was signed by Joel Weiss and the Owner’s Proxy was signed by Donald Chase, on behalf of George A Bagley Revocable Trust, which is the owner of the 10 parcels. Paula Kay – Yeah, we will definitely need the members of the LLC. Zach Zabo – Okay.

Helen Budrock – Regardless of whether it is the same applicant or not, this is a Type I action under SEQR, so you will need to do a long form before we will even entertain Lead Agency status, and we are going to have to look at cumulative impacts for sure. Kathleen Lara – Because now it’s doubled. Helen Budrock – Right, so all of that traffic stuff we looked at for the other warehouse is now kind of null and void. Matt Sickler – Do you have a traffic consultant on board yet? Zach Zabo – Not that I know of. Paula Kay – Also, there has already been some public comment sort of addressing both of the warehouses. We owe the public an explanation as to whether they are sperate or not. If they aren’t, that’s fine, we just need them addressed together. Zach Zabo – Okay.

Chairman Sush – There is a PDF file in the Google Drive showing both projects on one image, who added that? Helen Budrock – I did. Do you want me to share it? Chairman Sush – Yes. Kathleen Lara – That should be helpful. Chairman Sush – Did you just overlay the 2 projects onto the map? Helen Budrock – Yes and I double checked ownership with the Parcel Viewer. This is the project that is before you tonight and I believe it is just a sketch plan. Zach Zabo – Correct. Helen Budrock – So, it’s just pulmonary ideas on paper. This piece here is approximately a 98-acre site with this proposed 150,000 square foot warehouse and directly across the street, on Kroeger Road, is the Weiss Realty, Krod Properties, LLC., which is the one we have been reviewing for the past year or more and is 500,000 square feet. Both of them would obviously have access from Kroeger Road and will increase the traffic impact on 17. Michael Croissant – Plus, Kroeger Road itself and I don’t think we have heard any plans of improving that road. Helen Budrock – Right and now you have 2 single family residences that are kind of in a sea of warehouses, which needs to be taken under consideration. I think the first step is to get a long for EAF so that we have a little more detail for SEQR purposes and then I think a workshop or something might be helpful just to get the different parties together. Paula Kay – Right and even if the applicants turn out to be unrelated, which I don’t think is the case and think there is some sort of commonality here, I think it would be best to have both engineers and principals work together. Kathleen Lara – I agree.

Helen Budrock – There was a zoning request made back in late 2020, I believe, and was approved early in 2021 was for all of those properties all at once. So, whoever was representing to the Town Board obviously knew these parcels were somehow related or would be related for development at some point. It could be a real estate agent or somebody who is the commonality, but this doesn’t seem like an accident. Paula Kay – Which is fine and we are not viewing it negatively, we just need both projects to work together as a whole. Zach Zabo – Understood. Paula Kay - In the interim, maybe you can get a hold of Lanc & Tully. Helen Budrock – They just completed a traffic study and maybe that can just be revised. They didn’t do new traffic counts and they originally did them in January, which is one of the issues we had, so this may be a good opportunity to open that door and get some fresh traffic counts and get a more accurate picture of what the effects might be.

ACTION ITEMS:

CHARM ESTATES

295 Ranch Road, Monticello, NY
Joel Kohn, Project representative

Helen Budrock shared her screen to be able to pull up both site plans for comparison.

Joel Kohn – We were here 2 weeks ago looking to get conditional approval for a modification to the previously approved site plan. The Planning Board and Town Planner asked that the units be moved further away from the stream another 30 to 35 feet. The stormwater pond will also be moved back. We don't know the exact size of that stormwater pond yet and won't know until the SWPP is revised, but it will be moved back as far as possible.

Helen Budrock – If you take a look here at the 2 plans, you can see the units that were moved back. Which I believe was the only feedback the Planning Board had from the last meeting. Joel Kohn – Right. Matt Sickler – I think the setback from the upper unit when from 50 -55 feet to 80 – 85 feet, so it was moved up about 30 feet and when I look at the limit of disturbance shown on the plan, it hugs pretty closely to the backs of those units. Joel Kohn - Right, we tried to keep them as close as possible to the units and as far away as possible from the stream. Kathleen Lara – It's a big improvement. Joel Kohn – Thank you.

No further questions or concerns from the Board.

Helen Budrock – This is an unlisted action so we should do SEQR, NEG DEC, first and then we can get into any conditions you may have.

A motion for NEG DEC was made by Kathleen Lara and second by Michael Croissant.
All in favor, 0 opposed.

A motion to approve the modification to a previously approved site plan, subject to final site plan and SWPP review by the Town Engineer, was made by Kathleen Lara and second by Michael Croissant.
All in favor, 0 opposed.

KRASNA

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

Joel Kohn – I have provided the DPW email the Board requested at the last meeting. Originally, they did not notice that the sight distance was previously provided to them, in the pedestrian study that was submitted. After I pointed that out to them, they were out at the site within the next couple of days and confirmed everything matches the study provided and that the access road will be permitted.

Helen Budrock – To remind everyone, the 239 referral came back with concerns from DPW about the sight distance for that existing parking lot that is supposed to be enlarged in the subsequent application.

So, they sort of resolved that and confirmed the sight distance is acceptable. At this point, they are only asking for approval to modify the site plan for the pavilion and classroom building, correct? Joel Kohn – And a small bathroom next to the pavilion. Helen Budrock – Then come back for the dining room, parking area and pedestrian bridge at a later time. Joel Kohn – Correct. Kathleen Lara – Do you know yet when the second half will be ready? Joel Kohn – As part of the last 239 review they accepted the concept of the bridge so we are now looking for the right engineer. We did ask the County if they had anyone to refer, but it has been quite a while since the last bridge was built in the County. Let me know if the Town has any suggestions. Kathleen Lara – I was asking because due to the back and forth, you should probably strike while the iron is hot. Joel Kohn – I agree. Michael Croissant – Maybe try asking Orange County Country Club; they have a beautiful bridge. Jim Carnell – Is it new? Michael Croissant – I think it was built within the last 10 years. Matt Sickler – I have a contact over there so if you send me an email as a reminder, I will reach out to them. Joel Kohn – Thank you. Helen Budrock – This may be a long shot, but Fallsburg and the County have been working with Alta Engineers. They do a lot of trail work and pedestrian bridges for trail projects. They are designing a pedestrian bridge to go over the Neversink River, so I would imagine they could design one over Anawana Lake Road. Joel Kohn – Okay. Thank you.

Paula Kay – This project needs approval for both site plan and special use permit. Matt Sickler – Also, I have an outstanding comment letter from November. Nothing major, but it should probably be a condition. Helen Budrock – You also need a motion for a NEG DEC.

A motion for NEG DEC was made by Michael Croissant and second by Kathleen Lara.
All in favor, 0 opposed.

A motion to approve the first portion of the site plan modification, subject to addressing Matt Sickler's comments, and a special use permit was made by Kathleen Lara and second by Michael Croissant.
All in favor, 0 opposed.

RHAPSODY HOLDINGS

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

Joel Kohn – We had a public hearing on this 2 weeks ago and there was a public comment made in regards to a 6-foot encroachment of the driveway on a neighboring parcel. I spoke to the owner's attorney the day after the meeting and they looking into getting an easement or possibly purchasing that portion of the parcel. If they cannot do either, they will remove that portion of the pavement.

Kathleen Lara – It's just pavement? Joel Kohn – Yes and a light pole. Paula Kay – In the meantime, I think we need something in writing from the adjoining owner and it should probably be a condition. Joel Kohn – That's fine because that is what I was going to ask for. Paula Kay – If it is going to be an easement, we would need to review everything before the filing of it. Helen Budrock – We considering the public comment in regards to the encroachment resolved, pending either an easement or the removal of a portion of the pavement and light fixture, right? Paula Kay – Once we receive written confirmation from the adjoining owner, which should be a condition along with review of any easement, if that is the route

taken, prior to filing. Helen Budrock – And final review by the Town Engineer. Joel Kohn – Okay. Helen Budrock – I believe this project is also a special use permit. Joel Kohn – Yes, because it is a dual use; cluster development and hotel/motel. Kathleen Lara – Joel, make sure your client registers for room tax on the hotel/motel use at the County. Helen Budrock – So, the action itself is just for the additions and replacement of the main house, right? And some of that was already done? Joel Kohn – Right. The additions, on units 11 & 15, were already done and the main house still needs to be demolished and replaced. There are also 2 storage contains in the back of the property that will be removed and a storage building put in their place. Helen Budrock – Even with all of that, I believe it is still considered a Type II action and therefore does not require SEQR. If the Board wishes to do so, we would just need site plan approval, with the conditions, and a special use permit.

A motion for site plan approval, subject to receipt of written confirmation from the adjoining property owner, review of any easement prior to it being filed or removal of the all encroachment, and final review by the Town Engineer, and special use permit was made by Kathleen Lara and second by Michael Croissant.

All in favor, 0 opposed.

PRIOR APPROVALS/ENFORCEMENT:

NOB HILL

4599 State Route 42, Kiamesha Lake, NY

Joel Kohn, Project representative

Jim Carnell – Here is an email from Randy Wasson regarding the original project that Nob Hill came in front of the Board for. Him and I went over several outstanding items from the first phase of this project. Most of them he agreed to sign off on, but there are still some major issues. One is the stormwater management and retention pond, located up at the top of the site, that was only temporary for construction and then long term, which was not built or designed in accordance to the original plans. Joe Burger is the engineer for the SWPP on that and they went back and made so modifications. Randy and I are in agreement that Joe still needs to sign off on that. Then there are the outstanding landscaping issues, primarily at the entrance. I know they went back and forth a few times with DOT in regards to the design there because there were trucks getting stuck or the design they came up with resulted in a ditch and they did not want any run off. They did get this worked out. Another issue is the storage area underneath of the decks that has not yet been completed. You can see in Randy's email to the owner that he outlined these outstanding items for him. To go a step further, the 3 sections of town houses were not originally approved to have finished basements in them and when they were built, they proceeded to finished the basements anyway and without permits. They did have an engineer draw up plans for those, brought them into the Building Dept. and we issued permits. However, if you look at the permits that were issued and the placard that was provided, it states no bedrooms in the basement, but when Brian went out for final inspections on 3 of the 9 units, they all had bunks, double beds, triple beds, etc. The reason for not allowing the bedrooms is because there is no emergency egress. The windows that were installed on that level do not meet the egress requirement. Paula Kay – Is the

contractor on this still Nachman? Jim Carnell – No. It was on the main site work stuff, but the majority of that is all done. With the exception of a couple parking spots, stripping and things like that. Kathleen Lara – That is disappointing to hear. Jim Carnell – It is very frustrating and from the start of this project, it has been one bumble after another. Chairman Sush – It's not like they are just being used for someone to stay over night and leave. Jim Carnell – Right. If it was an office with a futon in it that someone may use for a night or 2 during the summer, but its not. They have multiple bunkbeds in everyone of the rooms that were finished, so Brian did not proceed any further and go to any of the other 5 units. Paula Kay – Where there any violations issued? Jim Carnell – Not at this point because we did the inspections after the season was over and they are still trying to figure out how to mitigate this without having to go for a state variance, which I don't know they would get. Joel Kohn – How far off is the egress? Jim Carnell – I don't recall exactly, but it is at least a few inches. Paula Kay – Being it's already almost January, it will probably take them into the new season to get this all straightened out. Jim Carnell – Right and my frustration is next thing you know it will be June and there will be no resolution leaving us in a position to have to get an injunctive action to stop them from occupying them. Paula Kay – I suggest we talk about this later and that process be started immediately so that we do not find ourselves in that position come June. I would also suggest that instead of our permit reading "no bedrooms are proposed at this time", it just read "no bedrooms allowed". Perhaps we need to have a meeting with the owner. Jim Carnell – I think the owner should definitely be involved. Paula Kay - I'm sure Joel can help facilitate that now that he is involved. Joel Kohn – I don't know yet. I'm kind of just in the middle. Jim Carnell – Joel's involvement in this is with the old section. Paula Kay – Okay, but to me this is a serious violation due to the count of potential lives and I am more than happy to take this on and work with Jim to get it prosecuted. Kathleen Lara – I also think this is important because we keep saying no bedrooms to any applicants that want to do basements because we know what ultimately happens. Just about any person with a basement wants to finish it at some point in time. It's not picking on anybody, but this is ultimately what we don't want to happen. I feel that we need to proceed strongly to send the message that this is unacceptable. It's not because we are being mean, its because they are not safe for people to be sleeping in. Joel Kohn – My 2 cents is if it is planned right to begin with, then there is no issue when it comes to water, sewer and egress. Michael Croissant - Absolutely. Paula Kay – The reality is whatever happens, it is going to be more expensive for the owner then if they had done it the correct way to begin with. Jim Carnell – Also, just about everyone involved in the finishing of these basements should have known better. Paula Kay – The one good new to come out of this is, they were clearly occupied last season and no one got hurt. However, they are living on borrowed time here and unfortunately the Town is aware of this and we need to do what is necessary. Kathleen Lara – Agreed.

Kathleen Lara – Is the water and sewer sufficient for these or are we not that far yet? Jim Carnell – I did speak to Randy and initially, during the review for the permits, they did anticipate the basements being finished at some point, not as bedrooms, so they did include that when designing water and sewer.

Jim Carnell – So, that was an update on the existing project and I know Joel would like to engage in some sort of a dialogue with you in regards to the part he is involved with. Which have different owners now, right? Joel Kohn – I believe so, but let me double check that. Jim Carnell – Yeah, because the original portion is still being operated as a bungalow colony under single ownership. Joel Kohn – I believe it is different owners now and the planning Board approved the new portion of this a couple months ago asking us to come back before the end of the year with an update. I am not sure how you would like to proceed with this, but I would like for my clients to be able to move forward. All they are doing is

demolishing 4 older building, replacing them and adding a mikvah to the shul building. So, this is not that big of a request as they are not asking to add anymore units. Kathleen Lara – I feel like your client is guilty by association and I'm sorry about that Joel. Chairman Sush – It is separate ownership now, right? And if it is, does that mean we look at it as a separate project or is it still considered one whole project? Kathleen Lara – Is it 2 different SBLs? Jim Carnell – Yes, but when this project first came it was a 20-acre parcel and the bungalow colony is a non-conforming use, so the purpose of the project was to subdivide to create a sperate parcel for condominium use and ownership. When we talked about recreational fees and other things, it was a whole combination. One of the existing units had 3 then it was converted to 2 and then some units had 2 and were converted to 1. If you look on the original site plan cover sheet, I think it still does a breakdown of the net change in all of those units and, again, we talked about the rec fees and what the net impact was. Helen Budrock – Are you talking about the Nob Hill Country Club plans? Jim Carnell – Correct. Helen Budrock – I am not seeing it in the file. Jim Carnell – It was probably done prior to the Google Drive. Helen Budrock – Okay. Maybe Laura can populate some of the old stuff to the Drive just to refresh the Boards memory of exactly what's there today and what we are hoping to resolve. Kathleen Lara – I agree and it would be helpful.

Michael Croissant – Do the 2 share anything? Jim Carnell – There is a stub of the Town's sewer line that goes up the main drive. Initially DEC wanted them t do a transportation corporation, but they did an easement and dedicated it to us. So, other than the driveway easement and access to the property, I don't think they share anything. Michael Croissant – What about the recreational facilities? Jim Carnell – There is a fence, but both do use them. Michael Croissant – So, we should treat them as one. Kathleen Lara – If they are using a lot of the same stuff, then I agree. Chairman Sush – What about garbage? Is this the project where they were carting garbage from the old section, to the new section? Jim Carnell – Yes. Chairman Sush – Then I think we have to look at them as one. You can't have it both ways, you are either 2 separate entities that operate separately, with an easement to gain access to the property, or you share services and there errors are effecting you. Kathleen Lara – Maybe this can help the other project get everything back on track. Paula Kay – I think they need to be treated in the beginning as one, so maybe Joel can help facilitate. Kathleen Lara – Maybe if they are cooperative and come up with some kind of plan, then they won't necessarily impede Joel. Joel Kohn – I guess the site plan items can be reviewed as one and then the building issue viewed separately. Paula Kay – Right, but I think for right now, with all of the outstanding issues, we need to get something in motion. Joel Kohn – I will give them the message.

Helen Budrock brought up Sunny Forest to see if we could get the project back in front of the Board prior to the start of next season to possibly avoid injunctive action. Paula Kay agreed.

A motion to close the meeting was made by Michael Croissant and second by Kathleen Lara. All in favor, 0 opposed.

Respectfully submitted,

Laura Eppers, Secretary

Town of Thompson Planning Board