

APPROVED

TOWN OF THOMPSON
PLANNING BOARD
August 9, 2023

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

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

PUBLIC HEARING:

WISE EQUITIES

49 Kroeger Road, Bridgeville, NY
Zach Szabo, project representative

Chairman Lara read the legal notice aloud.

Proof of mailings were received.

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

Zach Szabo – We are proposing a 130,000 sq. ft. warehouse on Kroeger Road. The access drive will be off of Kroeger Road and there will be an emergency access off of Bridgeville Road. This project will be severed by well and septic and both will be on-site, as well as stormwater management. As you can see from the site plan there are a fair number of wetlands on the property. Most of those wetlands are by Southwoods Drive, so there is no proposed development in that location. Also, the topography of the site does not allow for us to expand much further because there are a lot of steep slopes along the site. So, we had to stay to the flattest part, which is up along Kroeger Road. At this time there is no future development planned. We have about 100 acres and are only developing about 10 acres of it. We have hired the same traffic consultant as the warehouse across the street, Weiss Realty, and are working on better access for trucks to get in and out of the facility and off of Route 17. There isn't much more to this. It is a pretty simple layout with all of the development pushed up along Kroeger Road.

Chairman Lara – Before I ask the other members if they have any questions, Zach, can you tell me how far it is from Masters' driveway to your proposed access drive? Zach Szabo – There is roughly 80 feet to the property line and we were planning on proposing a tree buffer between the two properties for some screening. Chairman Lara – It just seems a little unfair to Masters for your access drive to be so close. I understand there are some wetlands, but I really think your client should reconsider moving that access drive somewhere else. I also understand that they bought a house in a commercial district and there will

also be another warehouse going in, but putting the access drive right on top of them is an insult in my opinion.

Paula Kay – Is our traffic consultant, Sandeep, on Zoom? Jim Carnell – I don't see him. Paula Kay – Okay. He reviewed this and provided comments, but if he is also going to join the meeting, I would have liked to hear from him.

No further questions or comments from the Board or their consultants at this time.

The public hearing was opened up to the public.

Mario Mariani, residing at 625 Southwoods Drive – Stated he was under the impression that this project was going to be mobile homes. Chairman Lara explained this is a different project who is proposing a warehouse and the project that he is referring to has only been before the Board one time for an initial review and hasn't been back since that meeting. Resulting in the following question:

- Why would you want to put a warehouse so close to homes?

Chairman Lara advised that the zoning permits the use of warehouses. Jim Carnell explained where Kroeger Road is located in comparison to Southwoods Drive and clarified that the proposed access to the warehouse would be off of that road. Zach Szabo added that the limit of disturbance is over 1,000 feet away from Southwoods Drive.

Dr. Clifford Teich, resident of Wolf Lake – Expressed that he opposes this project and a warehouse of this size will have an impact on the following:

- Environment
- Traffic
- Quality of Life

Jessica Lansdale, resident of Wolf Lake – Has same concerns as Dr. Clifford Teich and stated that the impacts that all of these warehouses being proposed around the same time, should be evaluated together. Said this project is right on the edge of the Neversink and believes this is a terrible place for a warehouse because all of their water runoff is going to end up in Neversink. Is also very concerned about the trucks that will now be trying to maneuver the off ramp and Kroeger Road.

Michael Gutnick, residing at 4 Lakeview Court in Emerald Green – Read allowed his written comment previously emailed to the Board expressing his concerns. See below link to said written comment:

https://drive.google.com/open?id=1tqdWkS-etZHKbDSsIATUhM8WBUR0mlwZ&usp=drive_fs

Helen Budrock clarified that the Board did request cumulative impact information from all three of the major warehouses that were being mentioned and advised that all three warehouses were included in the Traffic Impact Study done for this project.

Chet Smith, residing at - Had the following questions:

- Who will the tenant of this warehouse be?
- Who actually determines what a projects designated use is? Ex. A warehouse or a distribution center
- If there is no proposed tenant, how to do determine what the designated use should be?

No further questions or comments from the public.

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

Paula Kay explained that now that the applicant has heard comments from both the Board and the public, they will have to provide a written response addressing those prior to coming back in front of the Board and that once received, the written response will be uploaded to our Google Drive for anyone to access.

On behalf of the Board, Chairman Lara asked this applicant to stay and listen to what is going to happen next with Weiss Realty as the two projects neighbor each other and impact one another. The traffic impact is something both projects have been working really hard on with Carlito and the board would like Wise Equities to hear what they may have to say to Weiss Realty regarding traffic and cumulative other impacts.

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

WEISS REALTY

Kroeger Road & Bridgeville Road, Bridgeville, NY
Kristen O'Donnell, Project representative
Carlito Holt, Project traffic consultant
Michael Bluestein, Project

Helen Budrock shared the site plan showing both warehouses for everyone to see.

Kristen O'Donnell – This site plan has not changed since April, but I will go through everything just to refresh the Board. This will be a 500,000 sq. ft. warehouse located at the end of Kroeger Road. There will be circulation all around the building with loading docks on the right side of the building, opposite the neighboring residence, and it will have private, on-site water and sewer. This property is zoned for this use and we do not require any variances.

Chairman Lara – I think the major thing we need to discuss tonight is the traffic and Kroeger Road. Maybe you can explain what the plan is when it comes to Kroeger Road. Carlito Holt – Sure. Some of the comments we received pertained to handling 2-way traffic on Kroeger Road because that road is a little more narrow than your typical 24-foot road. Being the first two parcels on the left of Kroeger Road are owned by the County, we asked them for an easement to be able to widen that portion of the road. We did get a letter back from the County indicating they are willing to dedicate the easement to facilitating in widening the road. The applicant has also had very favorable discussions with the last property owner on the left-hand side, just before you get to this site. His well is actually on this projects site and they are going to do a land swap that will allow the neighbors well to now be on his parcel and facilitate the widening of Kroeger Road the rest of the way down. In the event that this does not go through, we have talked to Wise Equities and they will facilitate the widening from that side of the road. That is not desirable because there will have to be a little curve in the road, but we can still facilitate that 24-foot roadway for the entire length of the road. Paula Kay – Our traffic consultant is not here tonight, but has provided comments as well as worked with Carlito and the other applicant to go over the issues with Kroeger Road and the issues with Route 17. Carlito Holt – Correct and we are also committed to doing the improvement where you come off of Route 17 westbound. Chairman Lara – I think it is worth noting that Mr. Weiss has offered to put a new well in for the property adjacent to theirs, as well as pay him for the

easement. Jim Carnell – I spoke to our Highway Superintendent, Rich Benjamin, yesterday regarding the road improvements and the dedication and he is amenable to however the Board chooses to move forward. This would be similar to the roads that were constructed for the Casino and the Golden Ridge project. Those were all roads that were installed by the developer with just a meets and bounds description dedicating them back to the Town and the supervision of our engineer. Chairman Lara – Matt, we think that both projects should have to share in the costs of widening the road, would you be able to help facilitate that? Matt Sickler – Yes. We will look to Carlito to prepare the conceptual plan for the improvements, go through that with both applicants, and come up with some equitable agreement for the sharing of the costs. Chairman Lara – Great. Kristin Boyd – Can you just talk us through what the improvements to the 107 Exit will be and the timeline for that? Carlito Holt – If you look at the plan, this is the ramp that comes off of the highway and this is Heiden Road. In order to get to Heiden Road currently, there is a short slip of road here for a vehicle to make a U-turn and the concern was that it wouldn't allow for truck stacking. So, we proposed to relocate it further towards Route 17 so that it would be longer and allow for more stacking. DOT reviewed this concept and okayed it. Kristin Boyd – And will this be done prior to construction or maybe prior to opening? Carlito Holt – Typically it would be done prior to the issuance of a C/O (Certificate of Occupancy).

Chairman Lara – Paula, can you briefly go over the resolution that has been prepared for this project? Paula Kay – I worked with Kristin and we prepared a draft approval resolution for Weiss Realty Bridgeville LLC, or as they are now known, Holiday Lake Bridgeville LLC. There are several conditions that we should go over and the site plan will not be signed by the Planning Board Chair until all of the conditions have been met. We also ask that the approval is pursuant to the County 239 determination. If you guys remember there were a couple things they brought up, including a Move Sullivan bus stop at the site and walking paths for the employees. Chairman Lara – The applicant was ecstatic about the bus stop. Paula Kay – And he mentioned he has one at another site of his, but these things will need to be added to the site plan.

Paula Kay proceeded to read the conditions listed in the draft resolution aloud. See below link to the draft resolution:

https://docs.google.com/document/d/133Pwgz-wEHR_ePjxXQ43DgxlVnFzw56C?rtpof=true&usp=drive_fs

Chairman Lara – Should we add a condition that they will need to come to an agreement for the road improvements? Paula Kay – We can add it. Chairman Lara – Only because that is the biggest issue at this time. Just something saying that the easements need to be obtained and the costs of improvements will be shared. Paula Kay – We did include the part regarding the easements and adding the part about sharing the costs is beneficial to this project. Kristin Boyd – Can we also add that the improvements to the Route 17 exit need to be done prior to issuing the C/O? Paula Kay – Sure. We can certainly add that.

Chairman Lara – Helen, do you have anything to add. Helen Budrock – Not really. This is a permitted use as it is zoned for Commercial Industrial and it is consistent with the land uses. The applicant has done a detailed SWPP, they did a habitat suitability assessment, they have done wetland delineations, and the site does not contain any critical environmental areas. Really the biggest impact is traffic and the two mitigations to address that issue were called out in the approval resolution.

Chairman Lara – I don't know that there is much else we need to discuss about this project. Kristen O'Donnell – Right. We have already done an extensive review and we have all of our state and county approvals. The only thing we had to tie up was how to accomplish the road widening. Chairman Lara – I agree and think this is a great location for a warehouse.

No further questions or concerns from the Board.

A motion for a NEG DEC was made by Kristin Boyd and second by Michael Hoyt.
All in favor, 0 opposed.

A motion for conditional site plan approval and special use permit, subject to all conditions listed in the approval resolution, was made by Arthur Knapp and second by Kristin Boyd.
All in favor, 0 opposed.

EXPRESS BSD

4682 Route 42, Kiamesha Lake, NY
Maria Zeno, project attorney

Paula Kay reminded the Board that this project previously had a public hearing scheduled that we could not go through with because their variances had expired and they needed to go to the Zoning Board of Appeals and ask for them again. They have done so and the variances were approved.

Maria Zeno – Like Paula mentioned the public hearing we had previously scheduled was cancelled and the required variances have once again been obtained. I am here tonight in hope of rescheduling the public hearing.

Michael Hoyt – The applicant is asking for this public hearing, which we appreciate, but I know there are some issues going on around the property and maybe the owner should clean up a little bit since I'm sure that is something the public will comment on. Maria Zeno – I haven't been to the property since our last meeting, but I know there were several dumpsters there because they are trying to clean up and I know one of the mobile trailers has been removed and the other one was supposed to be moved yesterday, but there was some kind of a delay. I haven't checked in with the owner today, but I know he is working on that and hopes to have everything rectified before the public hearing. Michael Hoyt – I was just by there this Monday and it doesn't look like much has changed, but that is only my point of view on it. Chairman Lara – I also drove by and agree with Michael. Maria Zeno – I will make sure to reiterate that to my client.

Chairman Lara – Laura, when is the soonest this can be rescheduled for? Laura Eppers – We would need to send out new notices, but it can be done for the next meeting, in two weeks, if the applicant can get them mailed out in time. Paula Kay – So, they would have to be out by Monday. Laura Eppers – Maria, I can get the new notice to you by tomorrow afternoon, if you can mail them out by Monday. Maria Zeno – We can do that and that will be perfect. Chairman Lara – So, that will be the August 23rd meeting.

No further questions or comments from The Board.

A motion to reschedule the public hearing for August 23, 2023 was made by Michael Hoyt and second by Arthur Knapp.
All in favor, 0 opposed.

ROBERT DESENA

130 Hilltop Road, Monticello, NY
Robert DeSena, property owner

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

Robert DeSena – I own the three parcels you see on the site plan; lots 2,3, and 4. I built a house on lot 3 and unfortunately, I didn't survey the property properly and the house is a little over the property of lot 2. I think the whole septic is on lot 2 and about 8 feet of the house. Thankfully I own that lot as well and I am here tonight to request to combined those two lots.

Chairman Lara – The reason Mr. DeSena is coming to us is because the 2 lots mentioned were part of a previously approved subdivision and he will need our approval to recombined them.

Matt Sickler – These are pretty basic plans and we will need a little more information from your surveyor.

Robert DeSena – He knows and we are not done yet. He just drew this up for me really quick to have something to present tonight. Matt Sickler – Oh, okay. Robert DeSena – Hopefully we will get approval and he can then complete the plans by showing the septic and the well and other information such as that.

Matt Sickler – Perfect and I will forward you the comments that I have so that he can get those incorporated as well. Chairman Lara – So, we can't give you final approval until the town engineer does his final review, but we can give you a conditional approval while you work on getting the site plan completed.

Robert DeSena – Okay.

A motion to approve the two-lot consolidation, subject to the town engineer's final review, was made by Kristin Boyd and second by Arthur Knapp.

All in favor, 0 opposed.

VERIZON WIRELESS

585 South Maplewood Road, Monticello, NY

No one was in attendance for this project.

Chairman Lara – At our last meeting we decided that we would like to engage our own expert to take a look at this project and Matt Sickler was able to get in touch with someone who sent us a proposal. Puala, can we still make a motion tonight to engage our own RF engineer? Paul Kay – Yes. Chairman Lara – Okay.

A motion to retain William C Johnson as the RF engineer to represent the Town was made by Arthur Knapp and second by Michael Hoyt.

All in favor, 0 opposed.

CATSKILL HOMESTEAD

196 Rock Hill Drive, Rock Hill, NY

Allen Weider, project representative

Allen Weider – We got approval to modify a previously approved site plan a little while back for an ice cream shop and café with a smoker in Rock Hill. We have since opened and put up a canopy and gate around the smoker. As these things were not on our approved site plan, the Building Dept. asked us to come back to the Board to get approval for them as well as the addition and location of a new propane tank.

Chairman Lara – Do you have an updated site plan that is not hand drawn? Or did you guys just draw this

up for the sake of getting on the agenda? Allen Weider – We did it for the sake of getting on the agenda. Chairman Lara – I can appreciate that, but we are going to need something more than that. Paula Kay – Who prepared the original site plan many years ago? Was it Glenn Smith? Allen Weider – I think Glenn did the original one and then it was modified by Bill Satler. Paula Kay – Okay. Then that is who you will need to do your change. Michael Hoyt – While you are at it and adding things to the plan, how are you going to stack the wood? Allen Weider – There is a metal roof over one side of the fenced in area and that is where the wood will be stacked along with a tarp to keep it dry. That was the thought behind the metal roof.

Jim Carnell – One of the hand drawn sketches provided shows a food truck and one shows a container, which one are you proposing? Allen Weider – Right now we have a canopy there and it was brought into question whether it was strong enough to be outside and withstand the weather. So, we are now proposing something more durable, whether it be a container with a window in it or a food truck. We wanted to which one the Board would prefer. Chairman Lara – I know the containers are a hard no in the town. Jim Carnell – Typically. Chairman Lara – I know there are some old ones out there and some newer ones that are there illegally, but we don't usually approve those. Jim Carnell – I think we currently have something like 8 active violations for containers. Matt Sickler – So, what you provided are three different alternatives. Allen Weider – Right. I supplied photos of what we currently have there and some other options for if you asked us to change it. Chairman Lara – I will say that the comments I got from the public is that it looks like a chicken coop. Allen Weider – So, idea for the fence was to protect people from touching the smoker because we don't want anyone to get burned. Is it the fencing material that you don't like? Chairman Lara – It is on the main drag of Rock Hill and I don't think it looks that nice. Also, I know this is something you have to take up with the owner of the property, but the garbage enclosure needs to be fixed. And I know you are only one store front, but because you are here in front of us, we have to bring it up. Paula Kay – Especially now that there is going to be food served there. That has to be addressed. Arthur Knapp – How much thought have you put into a food truck? Allen Weider – Not much because we want to see what the Board would prefer first, but we are open to that if that is what you want done. Arthur Knapp – I think a food truck is more acceptable to the community. I also think it would be more secure and is something you can put right in place. Paula Kay – You already have limited parking, so where would you put it that would not take up or block any of those spaces? Allen Weider – At the moment the smoker is in the middle and we are proposing to move it over to the corner so that we could put the food truck on the left-hand corner of the grass area. That way it won't be in the right-of-way or take up any parking. Paula Kay – So, before this Board can take any action, all of that needs to be put on the site plan. Allen Weider – Okay.

Chairman Lara – I saw that you are proposing bollards, so the jersey barriers are just temporary, right? Allen Weider – Right. The gas company was going to put them in last week but I asked them to wait until after I come in front of you guys and have a confirmed location for the propane tank. The Building Dept., rightfully so, was concerned about the tank being located right by the road. I think Logan talked to the propane company about putting bollards there and we just wanted to make sure that was okay with the Board first. Michael Hoyt – Wouldn't it be easier to put it back by the smoker? Allen Weider – From what I understand it has to be a certain feet away from the smoker. However, there are some propane tanks already located behind the building, but there is not much space left and I guess the gas company wanted to use the tank as advertisement. They also said to put it in the back we would have to trench the parking lot. Where it currently is a good distance from everything, but we wanted to see what the Board thinks. Michael Hoyt – I think it is not really out of the way and is kind of just out there in the parking lot and as you know, nobody goes where they're supposed to and it will probably be sitting on a picnic table after a while. Allen Weider – So, will putting bollards around the tank suffice? It will keep it protected from the road and people won't be able to move it. Chairman Lara – I agree with Michael and think the current location is problematic. I understand the reason that got you to the current location, but there has to be a

better place. Jim Carnell – Can it go back here by the garbage enclosure? Allen Weider – It is paved back there as well. It is just gravel on top of old pavement. Chairman Lara – I think we would really like to see it moved, so if you would just take another look and see if you can't find an alternative location. Jim Carnell – Maybe you can put it up here where it would be seen from the highway. Allen Weider – I would be worried about the traffic coming off of the highway. You've seen how some people take that exit. Michael Hoyt – That is what I am worried about now. Allen Weider – At least where it is now, we would only have to worry about customers coming in and out of the parking lot and not people coming off the exit. I will see what can be done and if we can find another spot to put the tank, but the former owner did warn me that this is some of the hardest rock in Sullivan County. Chairman Lara – We grow it well here. Allen Weider – So, the trenching is the issue.

Michael Hoyt – Are there two dumpsters there? Allen Weider – Yes, there is one for cardboard and one for regular garbage and we did tell the landlord that we needed another one. We would also like to enclose the cardboard one. Michael Hoyt – Yeah and I think the cardboard dumpster is sitting way out into the parking lot. Allen Weider – Right. It is currently not where it should be.

Chairman Lara – I know you really want to open, but I don't know if you can before you get an approval and I don't think that is going to happen tonight. There are a few things we need you to address first. Do you think you can do in time to come back in 2 weeks? Allen Weider – Yes. In the meantime, can we open the café while we work on this part? We have site plan approval from before and all of our third-party approvals. Paula Kay – You can open if everything on the site is in accordance with the site plan and I'm not sure if everything is in the location it was approved for. Jim, do you know? Jim Carnell – Well I know they pulled permits or whatever they needed to do in the existing building, which is where the café is going to operate out of, and I believe they got their C/O (Certificate of Occupancy) for that already. Allen Weider – We did and we were hoping to open the café next week and the smoker possibly tomorrow. Is there anything we can do to be able to do that. If you want us to remove the canopy or anything else, we will. We are just hoping to continue to move forward. Michael Hoyt – Well you have the C/O for the interior of the existing building, right? Allen Weider – Correct. Matt Sickler – The original approval showed the smoker location table. Paula Kay – And is the smoker in the location it was approved for? Allen Weider – It is a few feet over, but that is not the issue. The issue the Building Dept. has is the fencing around the smoker. Jim Carnell – Right. We had an issue with the structure that was built around the smoker. Paula Kay – Okay. I just wanted to make sure the current location of the smoker complied with the approved site plan. So, what can you do with the structure around it? Allen Weider – If you tell me to take it down, I'll take it down. Jim Carnell – My concern would really just be the safety issues as far as impact protection for the tank and the exposed lines running to the tank because I believe Brian mentioned something about those being subject to impact damage as well. But mainly the tank itself. Allen Weider – Right and that's why we put the jersey barriers there for now. Jim Carnell – I would say we would just need to perform an inspection prior to them opening. Michael Hoyt – Well they were planning for that to be tomorrow. Chairman Lara – I know there is a lot of excitement about this, but one thing we pride ourselves on is holding everybody to the same standards. Arthur Knapp – I am concerned about the tank. Chairman Lara – I agree and I really don't mind the fencing staying until you can find an alternative, as long as Jim doesn't see any safety issue with it. Allen Weider - We can also temporarily disconnect the tank from the smoker if that would allow us to open. We are just going to use the gas to supplement the heat throughout the night so that someone doesn't have to stoke it every couple of hours. We can disconnect it and just use it as a smoker for now. Chairman Lara – Until you can find something better. Allen Weider – Correct. Paula Kay – I don't know what the Building Dept.'s schedule is like tomorrow, but you will need an inspection before you can open. Jim Carnell – I'm sure one of us can get out there tomorrow morning.

Chairman Lara – Okay. Do we need to do a motion for temporary site plan approval? Jim Carnell – Well

they already have site plan approval. Paula Kay – Right so I wouldn't take any action. Jim Carnell – It would just be an enforcement action for the Building Dept. Chairman Lara – Okay, but we want to see you back in 2 weeks with the necessary changes. Allen Weider – Understood.

KEVIN'S BISTRO

249 Rock Hill Drive, Rock Hill, NY
Kevin May, project representative

Applicant was not present the first time this project was called, so the Board moved onto the next project.

ESTATES AT ROCK HILL – SECTION B

N. Emerald Drive & Treasure Lake Road, Rock Hill, NY
Richard Steinberg, property owner
Ronald Steinberg, project attorney

Ronald Steinberg – We are here tonight looking to subdivide a parcel on Treasure Lake Road into 4 lots. We are also merging another lot we have into the bigger piece.

Paula Kay – What is the relationship between this new subdivision and the subdivision you just had approved? Ronald Steinberg – This one is on the other side of Treasure Lake Road. Helen Budrock – But it is the same parent parcel, correct? Ronald Steinberg – Correct. Paula Kay – Why were these not considered together? If there is a parent parcel, this Board has to consider any development done on it at the same time for SEQRA purposes. Whether or not you develop the whole parcel at once or in phases. This Board cannot make a segmented decision on it, they have to look at the parcel as a whole. Richard Steinberg – The property we are here for tonight is on the other side of the road and therefore is a separate parcel. Richard Steinberg – It should have a separate tax map number, but it doesn't. Chairman Lara – Because the road creates a nature subdivision? Richard Steinberg – Right and otherwise, I could not do this. Ronald Steinberg – We went to the County to make these two separate tax map numbers, but they said it would be considered a subdivision and we would have to come to this Board for that approval because it would cause a land locked piece on the other side of Treasure Lake Road. Paula Kay – So, are you done after this? Ronald Steinberg – Well, it is a 30-acre piece. Richard Steinberg – We don't plan on building anything after this. Ronald Steinberg – Well eventually we are going to build, just not this year. Paula Kay – That's my whole point. If eventually you are going to build, you need to show the Board what that is so that they can make a decision on the whole development. Chairman Lara – Even if you are only developing 4 out of, let's say, 75 lots now. Ronald Steinberg – The zoning on this side only allows for 1 acre lots, but the other side only allows for 1/3 of an acre and we have 30 acres. By town laws if you have a certain amount of frontage, you can break a lot up into pieces. Eventually we will have to come in for the subdivision the road makes, but that won't be until at least a couple years from now because we can't utilize the land until we put another road there. Paula Kay – We are not asking you to develop it now, but what the Board does need is to see all proposed development at one time. Chairman Lara – Just like a sketch of what you are looking to do overall with the parcel. Richard Steinberg – At this particular time, the land is vacant. Chairman Lara – We know. Helen Budrock – It is the subdivision of the land that is the issue. Richard Steinberg – The entire piece of the property, both sides of the road, has the ability to get about 26 or 27 lots. Eventually. Helen Budrock – So, do you remember when you came for the first subdivision of this parcel and you originally wanted to make 4 lots and then you found out it would be considered a major subdivision, so you went back changed it to only 3 lots for a minor subdivision. Richard Steinberg – That's right, but we have owned this for 25 years now and would have developed all of it already if we were looking to do it quickly. Helen

Budrock – Are you familiar with the term reality subdivision? It has the five, five, three rule. Richard Steinberg – Yes, I'm familiar with it. Helen Budrock – So, I understand that the road creates a natural subdivision, but you should have come to the Board with a major subdivision showing all proposed development together. Richard Steinberg – We are not even sure what we want to do yet. Helen Budrock – Understood, but if you are now subdividing this parent parcel, again, into more lots, it would now be considered a reality subdivision. Richard Steinberg – But it is the other side of the street now. Helen Budrock – That doesn't matter because it is still the same parcel. Richard Steinberg – But it is a natural subdivision. Chairman Lara – We understand that. Jim Carnell – Let me just refresh the Board's memory, the Wheat subdivision project, up on Hemlock, came in front of the Board a few years ago and had the same situation where the parent parcel was intersected by several town roads. In our town code it does indeed state that if a property is intersected by a road, it creates a natural boundary, so the Board sent that property owner to the County to create separate lots and they were able to ascertain separate tax lots for those parcels. Then above and beyond what the original segmentation of what the roads created; the property owner wanted to a 4-lot subdivision. So, again, this is a similar scenario and I understand what Helen is saying; once you segment it, it becomes a SEQR issue. Paula Kay – Right and there is nothing the Board can do now because the other action was already taken, but in reality, this all should have been done together. Even if you weren't ready with your plans for this section, you should have just come with a sketch for it. Ronald Steinberg – Basically we thought we were going to be able to go to get a separate tax parcel for this side, but when we tried, we were told to come here. So, we weren't planning to subdivide the same parent parcel again. Chairman Lara – We understand what your intention were, but it didn't go that way and as a Board, we need to make sure that we follow through and hold everyone up to the same standards. So, at this point, Paula, what would you recommend to solve this? Paula Kay – Again, we can't go backwards, we can only go forwards and at this point, the applicant is now proposing this subdivision and has stated that they don't have immediate plan to develop more at this time, but they do have plans to do something in the future. It would be nice to see at least a sketch of what they have in mind. Richard Steinberg – I can get you a sketch, but it might change in the future. Paula Kay – And we understand that. It is not for approval purposes; it is so that the Board can take a look at the entire picture. Richard Steinberg- I can break it up and show you something. Paula Kay – That would be fantastic.

Chairman Lara – Matt, do you have anything to add? Matt Sickler – Looking at the overall development of the parent parcel, it looks like you are getting to the point now that you are going to need at least a basic SWPP approval from the DEC. Richard Steinberg – I don't think so. Matt Sickler – That is my understanding and from talking to DEC, it is also their understanding. But maybe you can present this all to them and get them to change their mind. Richard Steinberg – This is a separate subdivision. Matt Sickler – But it is under common development. Richard Steinberg – Not really. Matt Sickler – You are developing both sides of the road. Richard Steinberg – But I am using your code that states a town road is a natural subdivision. Matt Sickler – I am not disagreeing with that, but earth disturbance goes on an overall. It can be spread across multiple parcels or even across a road, but it needs to be looked at cumulatively. If you can get DEC to disagree with their own rules, that's fine, we will just need something from them in writing. Richard Steinberg – Okay. Matt Sickler – And it is not a full blown SWPP, you would just need a basic SWPP, but I believe that is what you are going to be required to do.

Richard Steinberg – All 3 of the new lots we are looking to create have water and sewer. Two of these lots front onto N. Emerald Road and have town water and sewer, which I confirmed over this past week with the Water & Sewer Dept. As for the third lot, the sewer happens to be on our property. When I built the cul-de-sac in Emerald Green, many years ago, I extended the sewer right into this property. So, there is water and sewer for all of these parcels. Chairman Lara – Great because that was going to be my next question.

Matt Sickler – As I am not familiar with what you have previously developed, the other parcel that you are using to take some acreage from, you have it identified as “open space #3”, are there any restrictions on that parcel. Richard Steinberg – No. Matter of fact I offered that parcel to Emerald Green 20 years ago because I didn’t want to pay taxes on it and because they had a problem with the piece of property that was previously offered to them, one street over, they said they will never take a piece of property around there again. So, I have been paying taxes on that parcel for about 25 years now and can’t get anyone to take it off my hands.

No further questions or comments from the Board.

Chairman Lara – I think you understand what it is we are asking of you. We need a sketch plan showing what you potentially may do with the rest of this parent parcel and something from the Dec in regards to the SWPP. Do you think you think you can have that done in 2 weeks? Richard Steinberg – I will try my best, so that we can come back to the next meeting. Jim Carnell – You really only have a week to submit the new information because the cut off to the next meeting is a week before. Richard Steinberg – In that case, it may have to be the next meeting. Chairman Lara – Okay and we will see you when you are ready.

KEVIN’S BISTRO

249 Rock Hill Drive, Rock Hill, NY
Kevin May, project representative

The applicant for this project was now present so the Board wanted to review this project next.

A motion to take the agenda out of order was made by Arthur Knapp and second by Michael Hoyt.
All in favor, 0 opposed.

Kevin May – I apologize for being late, but I couldn’t get out of my arrangements on time. Chairman Lara – That’s okay. Just tell us what you are looking to do. Kevin May – I am looking to lease the building F/K/A The Krispy Apple and renovate it to turn it into a restaurant. We would serve lunch and dinner and do family style take outs. As this has never been a restaurant before, there are a lot of interior renovations that have to be done, such as new gas lines and electric, but the building itself will stay the same, with the exception of cleaning it up.

Arthur Knapp – This will have to be DOH compliant, right? Kevin May – Yes.

Paula Kay – What kind of food are you looking to serve? Kevin May – Classic American; steaks, pasta, seafood. I used to work at El Monico’s for 6 years back in the day, so I’m kind of coming back to my roots here. I have owned several restaurants in my life and just sold my last one because it was too big for me. I just want something small that can be ran pretty much by me and my family.

Chairman Lara – How many seats are you looking to have? Kevin May – From the sketches I have, it looks like I can start with up to 28 seats on the inside and later I would like to do some sort of outdoor seating as well. Chairman Lara – is there any outdoor seating now? Kevin May – This was previously approved for outdoor seating. Chairman Lara – But is there any there now? Kevin May – No.

Paula Kay – What about parking? If you have 28 seats, how would you park them? Kevin May – I think the site has 4 parking space of its own and David Appel is allowing me to use some of his parking across the street at the music shop, which I have submitted in writing. I believe there is also additional parking in a lot

right next door and I don't know it works, but there are also other businesses across the street, like the Post Office, so maybe they can park there as well. Matt Sickler – The existing site plan shows 8 spaces. I didn't dive into parking counts with this yet because this is only a sketch and I wasn't sure exactly what the plan was, but the number of parking spaces available might be a concern. I think the current parking code does allow for shared, off-site parking, but correctly if I'm wrong Helen. Helen Budrock – That is correct. That was one of the changes we made when we updated the parking code. Matt Sickler – We would just need to compare what is proposed to that updated code and get whatever information we need from whoever owns the shared parking. Chairman Lara – We just want to make sure you are covered because I remember the last application being much smaller. Paula Kay – And that people are safe getting to and from your restaurant. Kevin May – I totally understand. When I originally look at what was previously approved, it showed a few tables inside and up to 16 seats outside, so I didn't think 28 seats inside would cause a problem. Chairman Lara – Matt what would you like to see from Kevin? Matt Sickler – The location of the additional parking, how it is located to this site, and how the patrons would get between the two. Hopefully there is already existing pedestrian facilities that the Board can then take a look at and decide whether it would be accessible and safe. Chairman Lara – I know there is a sidewalk that goes all the way up the main drag, but I don't know how many extra spots David would actually have, being that is just a small building. Matt Sickler – We would have to take a look at the proposed seating and the ordinance to see what the required number of spaces would be and then look to see where those spaces would be located. Helen Budrock – It looks like it is 1 per each 3 seats. Matt Sickler – And there are 28 seats proposed. Kevin May – Well, it is not 28 seats, but 28 people because there will only be 6 tables and a small bar that will fit 4. There will be a total of 6 4-tops and the 4 bar chairs. Chairman Lara – So, if 8 spaces are shown on the plan and he can share, which he has provided a letter from David, he has enough parking. Michael Hoyt – Is there any parking in the back of the building? Kevin May – No. Matt Sickler – It sounds like they are only 1 or 2 spaces short right now. Paula Kay – Right and the Board can do a waiver. Chairman Lara – Is the on-site parking lined? Kevin May – It will be. Chairman Lara – Okay because you don't want the parking to be a free-for-all. Kevin May – Right. We will re-do the lines for the spaces and make sure there is clear designated handicap parking. Paula Kay – What about parking for you and your staff? Kevin May – If worst comes to worst, we can park down at the bottom and walk up. That is actually probably what we will do. Like I mentioned before, this will be mostly family run with every few employees. Kathleen Lara – What do you think Matt? Would you like to see more? Matt Sickler – That is really up to you guys. It sounds like he needs 9 spaces and he has 8. Paula Kay – There is a code provision that allows the Board to waive a situation like this. Chairman Lara – Okay and if the parking becomes an issue, we will obviously ask the applicant to come back. Arthur Knapp – That sounds good to me. Michael Hoyt – And they will have to come back once they are ready to incorporate the outdoor seating because then they will require even more parking. Chairman Lara – Right. So, when you are ready to have the outside seating, you will have to come back with an updated site plan.

No more questions or comments from the Board.

A motion to issue a waiver to allow 1 less parking spot than required was made by Michael Hoyt and second by Arthur Knapp.

All in favor, 0 opposed.

A motion to modify the previously approved site plan, subject to proof of alternative parking, was made by Arthur Knapp and second by Kristin Boyd.

All in favor, 0 opposed.

GIBBER HOLDINGS/FRASER RESORT

80 Gibber Road/Fraser Road & Route 42, Kiamesha Lake, NY
Joel Kohn, project representative

Joel Kohn – Since we were last here, we submitted a traditional subdivision plan for both projects. Gibber’s plan shows a total of 45 lots and 66 units can be done with a traditional subdivision and Fraser’s shows a total of 43 lots and 60 units. That would be a mix of single family and 2-family homes, if the applicants chose to go that route, and they would just need to come back for a regular subdivision approval. At first when one of the owner’s saw the layout this way, they made a comment about liking this layout better, but there are other reasons for wanting a cluster development. Like I mentioned before, nowhere in your code does it say we had to take this extra step, but the Board asked us to and we did. Chairman Lara – We really appreciate them doing that.

Chairman Lara – What is the status of the water and sewer? Joal Kohn – We are working with the Town Board for a sewer district extension. Now that the new Village was proposed and one of the properties may potentially be in the Village, the Town Board and Town Attorney are working together on an agreement so that they will be covered in the future. Hopefully we will have the sewer district approval in the next 2 to 4 weeks. As for water, we had wells drilled, but we have not received a final report from the hydrogeologist yet and that is why I haven’t submitted anything to the Board yet, but we should have it by the end of this week. We should certainly have it before the public hearing.

Chairman Lara – Matt, I think you had some questions for Joel. Matt Sickler – I briefly reviewed the concepts for these projects and I don’t think the density calculation is on the plan for the Fraser Resort project. Joel Kohn – They are not on the plan and you have a point. I think the maximum is 3 units per acre, but we have to subtract out wetlands and waters, so it may be a few units less. Matt Sickler – You may have already done it because there is a number of units on there and I’m sure it didn’t just come out of thin air, so if you can just send us the density calculation, I can review that. Joel Kohn – The density calculations will actually be the same as what is on the cluster. The density won’t change whether it’s a cluster development or a traditional subdivision. Matt Sickler – Okay, I will go back and check that. Also, the DEC resource mapper shows a class “A” stream coming out somewhere onto the property, so if you can just identify that on the plans because it may need permitting. Joel Kohn – We were also worried about it and that we may need a stream disturbance permit from DEC, so we will get it on the plan.

Chairman Lara – Helen, would you please explain to Joel what we have discussed in regards to the cluster developments and what we think should be done. Helen Budrock – Without getting into too much detail tonight, Kathleen had basically asked me to prepare a memo for both developments reiterating what a cluster development means. Ultimately it is up to the Board to decide if these projects do or do not fit the definition of a cluster development, so I will do that based on the layouts provided. I will also recommend that the Board use the lot count as the base count, opposed to the unit count. Chairman Lara – Thank you, Helen. Joel, I want to make sure both myself and the Board have a clear understanding of what a cluster development truly is and compared to what is being proposed before we make any decisions. Arthur Knapp – I agree. Joel Kohn – We don’t have any choice and have to go along with that. I still don’t see it in the zoning, which we have followed, so if the Board decides they want us to go with the number of lots instead of units, we might as well just come back with a traditional subdivision layout because it is not economically viable to do a 43-unit project as a cluster development. Chairman Lara – Fair enough and I know asking for a traditional subdivision plat this is not something we have asked for in the past when reviewing proposed cluster developments, so we really so appreciate you doing that and it was very helpful to us. Joel Kohn – And I just want to say again that it is something that is not in your zoning and this project is being delayed now for another month or so. Helen Budrock – I don’t want to argue, but I will say it again, that cluster developments are for subdivisions and the state law mandates that we cannot go over

the number of units that you would get with a traditional subdivision. I will put all of that in my memo and the Board can take it from there. Chairman Lara – I think we just want to see it clearly and understand it from both sides, that way we are doing our jobs as a Board and can make an intelligent decision.

Chairman Lara – Joel, can you come back in 2 weeks? That way Helen has time to prepare her memo and we can also schedule the public hearings then. Also, would you like to have 2 separate public hearing or do you think we can just do one? Joel Kohn – I don't care either way. Chairman Lara – Us either so I was wondering if you had a preference. Matt Sickler – I think it would make since to do them together because they are so closely related and intertwined and will probably have a lot of the same comments. Chairman Lara – Okay. We will schedule them together.

SACKETT LAKE LP

Sackett Lake Road & Route 42, Monticello, NY

Joel Kohn, project representative

Joel Kohn – We had a work session on this back in May and it was quite a discussion. Chairman Lara – We all learned a lot. Joel Kohn Right and there is a couple thing I wanted to go over from that meeting. Really the main concept was that now that this is a PUD (Planned Unit Development), there are no zoning limitations and we should go back and take a fresh look at this, as if there were no zoning lines, to see if there is anything we want to change as this is a mixture of residential and commercial. I dd have a discussion with the owners and they are pretty much sticking with the layout that was originally proposed. This is the development they want even if they have no zoning lines. Chairman Lara – Okay.

Joel Kohn – There were some technical comments made at the meeting and one of them was in regards to adding a vehicular connection to the ICHUD portion of the property. We are now showing a vehicular connection to that portion so that anyone who has to go there, does not have to go out onto Sacket Lake Road and Route 42 to access it. We have also added pedestrian walks through the commercial area, the community building, and all around the entire site. There was also a comment about possibly reducing the number of entrances from Sacket Lake Road. We were not able to, but we changed one of the entrances to the Townhouses to be just gated access for emergency vehicles, so there won't be vehicles going in and out of that one on a regular basis. We opened up the cul-de-sac that was right there by that entrance to connect it to the rest of the project for access, which also helped with the vehicular connection to ICHUD. So, now there will only be three regular entrances and one for emergency access only. We also added a connection from one cul-de-sac to the other cul-de-sac for emergency use only. Other than that the only other changes made were the addition of another playground area, in the townhouse area, and we eliminated the lot line for the community building.

Joel Kohn – There was a comment made on the PUD law and the size of the proposed sheds. We have reduced the sheds from 400 sq. ft. to 300 sq. ft. and will also recommend the HOA approve the sheds first, so that they are not just popping up everywhere. Chairman Lara Okay.

Helen Budrock – Joel, can you just refresh my memory, did you calculate the 35% open space requirement for this? Joel Kohn – We don't have that on the plans, but I will make sure it gets added. Helen Budrock – Okay and just make sure you show what you used to get your calculations.

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

Chairman Lara – I would like to recommend we have another work session on this and the changes made,

even if it is just with Joel and our consultants. That way we don't have the time restraint a meeting creates and we can take our time to discuss everything because this is a giant project. Joel Kohn – I definitely get it. When can we have a work session? Matt Sickler – Unfortunately, I wasn't able to make it to the last work session and I am just now hearing the comments from that meeting and subsequent changes made, so if you can give me a week or so to do review everything, I will be ready. Joel Kohn – Okay. Do you think we can meet in time for us to get on the next meeting in 2 weeks? Matt Sickler – I don't see why not. Paula Kay – We can't schedule it now, but you can reach out to Laura and she can help coordinate something. Joel Kohn – Okay.

CAMP GER

336 Whitaker Road, Monticello, NY

Joel Kohn, project representative

Joel Kohn – This project has multiple additions that we are looking for approvals for. We got the local determination back and they did not have any comments. At the last meeting the Board asked that we go out and take a look at the sewer and confirm the status of the SPDES permit. We don't think there is going to be any issue with the sewer capacity as there was an approval back in the 80' or 90' for additional that were never built and there are 2 big lagoons located at the back of the property. As far as I can tell they have never had any issues with the sewer except for the pumpstation that was replaced last year. Glenn is still trying to get more information on the SPDES permit, as the last SPDES permit we found was issued in 1886 with no expiration date. So, we are not sure what that means.

Chairman Lara – Jim, I think tat the last meeting you said everything was substantially taken care of. Jim Carnell – That is correct. Most of the hangup on our end is the buildings that need building permits issued and we cannot do so until they get approvals from this Board. There are a few odds and ends that need to be addressed, but we did safety inspections and they have proper egress, alarm systems, and other things like that.

No further questions or comments from the Board.

Chairman Lara – I don't see why we cannot give approval for this tonight conditioned on the town engineers final review of the sewer and verification of the SPDES permit.

A motion for conditional site plan approval, subject to the town engineers review of the existing sewer system and verification of any sewage permits, was made by Michael Hoyt and second by Arthur Knapp.
Allin favor, 0 opposed.

MONTICELLO MOTOR CLUB – GARAGE LOFTS

67 Cantrell Road, Monticello, NY

Ken Ellsworth, project engineer

JR Cruze, property manager

Helen Budrock, Matt Sickler and Jim Carnell were all recused.

Ken Ellsworth – We had previously revived Planning Board conditional approval for 10 garage lofts, pending DOH approval for the water system. Last week I got the first set of review comments from them.

They had 7 questions that have already been addressed and sent back to them. Hopefully We will have approval very soon from them. MMC is now looking to modify that approval and make the lofts condos. Apparently, they want to lease these out for an extended period of time, like 5 or maybe even 10 years at a time, and after talking to members, they wanted to know if they could put in a daybed or something like that in the event that they wanted to stay overnight or for the weekend. In my original computations for the DOH I included flows for a 1 bedroom plus assembly area. The water and sewer flows submitted were similar to that of a house. It's my understanding that the Building Dept. were reviewing these plans as condos and they did not have any issues with them. Just as an update, we did receive approval from the Monticello Fire Dept. for the emergency access, so we are all good there. That is pretty much it.

Michael Hoyt – Wasn't there something with the sewer? Chairman Lara – My notes state that you were working on a sewer plant possibly. What's going on with that? Ken Ellsworth – The sewer plant is under design. It is my understanding that the DOH wanted us to show a septic field incase something happened with the sewer plant, which we have done. We did perk tests for that, which I believe Glenn Smith has reviewed. I know Delaware Engineering has been hired to do the sewer plant design, but I'm not sure exactly where they are at in the process. Paula Kay – As we don't have an engineer tonight, which is okay, if the Board decides to take any action tonight, it should be subject to our engineer's final review. Chairman Lara – Okay, but I'm still a little confused about the whole septic situation. Ken, what's there now? Or what is their plan? Are they going to put in a septic tank for each one of these lofts? Ken Ellsworth – Right now they have holding tanks, which the DOH has approved them for. They were sized appropriately for the 10 lofts and they will be pumped out at the end of each season. They will be allowed to do this for a period of time while the treatment plant is being designed, if that doesn't happen for some reason, we are prepared to put in a standard septic field, which has been located and designed already.

Chairman Lara – Ken, it is my understanding that your clients don't want to do the 911 addressing required and they don't want to name the roads, but it is the law. As this is part of my job at the County, it is not just about a house on fire, but other emergencies, such as a heart attack, and if there is no 911 addressing, it is only going to hurt the person in need of assistance. So, if you can please relay to them that this is not something that is optional and this is their opportunity to name the roads something cool. JR Cruze – I can speak on that. I received a notice at the club stating exactly what you have just mentioned. I spoke to Chris at the County who gave me all of the necessary forms and explained to me the process in which to name the roads. So, we are in the process of taking care of that. Chairman Lara – Great. That makes me happy and it is super important.

Chairman Lara – Paula, did they have to come back because they are changing the type of ownership? Paula Kay – I believe the ownership is going to stay the same; it is just that they are now looking to lease the lofts out. Ken where these building originally for staff? Ken Ellsworth – They were really going to be garage storage for an event with an upstairs that people could go and watch a race from. It was only going to have a bathroom and small kitchenette, but no bedroom and as they were talking to people, they realized they wanted a place to sleep as well. So, I think we are here for a change in use as they want to go from a non-habitable space to a habitable space. Paula Kay – It's really not a material change. Chairman Lara – Okay. I just wanted to make sure that we are treating this project the same as others.

No further questions or comments from the Board.

A motion to approve the minor modification, subject to all of the previous conditions, was made by Arthur Knapp and second by Kristin Boyd.
All in favor, 0 opposed.

LOCAL LAW #1 OF 2023 – TOWN OF FORESTBURGH 239 REVIEW

This review was for the proposal of a new zoning code in the Town of Forestburgh and the Board did not have any comments.

TOWN BOARD REFERRAL

Rock Hill Drive, Rock Hill, NY

The Board discussed this request for a zone or use change and had the following comments:

- Would be the cleanest to add a hotel/motel use to the PBP zone, instead of changing the zone.
- Recommended using the same bulk requirements as the HC-2 zone.
- Thought this is a good area for a hotel.

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

Respectfully submitted,

Laura Eppers, Secretary

Town of Thompson Planning Board

