

# APPROVED

TOWN OF THOMPSON  
PLANNING BOARD  
July 12, 2023

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

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

A motion for the Board and the town consultants to go into an executive session, due to threatened or pending litigation, was made at 7:00 p.m. by Arthur Knapp and second by Michael Croissant.  
All in favor, 0 opposed.

A motion to come out of the executive session was made at 7:17 p.m. by Arthur Knapp and second by Michael Hoyt.  
All in favor, 0 opposed.

## ACTION ITEMS:

### **218 HILLTOP**

218 Hilltop Road, Monticello, NY  
Joel Kohn, project representative  
Ivan Kalter, project attorney  
Zack Peters, project engineer

Joel Kohn – We are here tonight to hopefully get final approval. Since the last meeting, we have submitted a couple of letters from MNTM. The first one was regarding the alternative disturbance review. We were asked to see if we can get any reduction to the wetland disturbance, but unfortunately, the alternative layouts show they would only increase the wetland disturbance because we would have to move into the DEC's buffer. The other letter was regarding pedestrian safety along Hilltop Road. We were asked to meet with the town's highway Superintendent, Rich Benjamin, out at the site again to discuss if there is anything that could be done along Hilltop Road. We met at the site, along with our engineer and the town's engineer, and Rich again determined that he does not propose any improvements. Zack Peters is on Zoom in case you need him to chime in.

Ivan Kalter – Also, there was an issue with the decision to rescind the Negative Declaration. I did address Paula with a letter, which I believe she received. Paula Kay – Yes, I did receive it. So, at the meeting prior to the last meeting, the Board made a motion to rescind the NEG DEC, which is actually invalid because the Board is not acting on any new information or changes to the project. The original motion made for the NEG DEC stands and the motion made to rescind it does not, so the only motion that would be on the table tonight would be for approval.

Chairman Lara – Tell us about your meeting with the highway Superintendent. Joel Kohn – We came up with some different ideas to present to see what can be done and met with Rich Benjamin, but he said that there was nothing that needs to be done or that makes sense to do. Chairman Lara – Okay. Michael Croissant – Just tonight on the way here I got ran off that road 3 times from people zooming up and down the road. I still have a tremendous problem with the traffic and safety of the people who walk and travel the road. To me it's a very dangerous road and I have to stop and think about the people who live on that road year-round. There are people who have lived there for dozens of years and we have an obligation to them as well as your client. From the very first time we saw this project and you got your original approvals, I voted against it because I never thought this belonged in that area. I always thought safety was a major issue and that the people on that road deserved more from us. I'm not speaking for the Board, but I personally still feel the same and now you are tripling the size of it, so it's even deeper now. This project is going to devastate a very small community of people in that area.

Chairman Lara – Matt, do you have anything to add? Matt Sickler – No. Like Joel said we met with Rich out at the site last week and the letter that was submitted accurately reflects the Highway Superintendents comments. Chairman Lara – Okay.

Chairman Lara – I would just like to say that if this project gets approval tonight, one condition I would like is that the operator be very specific and diligent about keeping people off of the road. I know we can't force people to stay off of the road, but if you could ask the applicant to strongly urge occupants to stay off of Hilltop Road and stay on the interior roads in the property, which is what they were made for.

Kristin Boyd – While I appreciated that Zack went though and took another look at the plan, what I asked for a few weeks ago was a proposal that shows zero impact to the wetlands. I didn't expect to see a proposal that shows more impact to the wetlands, I was expecting to see some kind of design that shows less impact. Whether that be a reduction to the footprint or a redesign. I feel what was provided did not address my comments or concerns. Joel Kohn – The reason for submitting what we did was to demonstrate that our current proposal has the least impact as possible. There is no way to design it that would completely eliminate the disturbance. Your Board has approved many other projects that have wetland disturbance and this disturbance is less than a tenth or an acre, which is less than the threshold that the Army Corp of Engineers would even review, so it is very minimal in nature. We understand the influence of wetlands and we will try to have the least impact as possible, but again, it is already minimal.

No other questions or comments from the Board.

A motion to approve the site plan, subject to all conditions listed in the approval resolution (which can be accessed using the link below), was made by Michael Hoyt and second by Arthur Knapp. 3 in favor, 2 opposed (Michael Croissant & Kristin Boyd).

Link to approval resolution - [https://drive.google.com/open?id=1mXRoJQJX-NXy8b5fyA8mYbwoOD57jyeU&usp=drive\\_fs](https://drive.google.com/open?id=1mXRoJQJX-NXy8b5fyA8mYbwoOD57jyeU&usp=drive_fs)

Joel Kohn – I know this was a tough one and we will do our best to address all of the concerns of both the Board and the public and show you that it will be a good project.

**LAKEVIEW ESTAES – YONAH FRIEDMAN**

329 Anawana Lake Road, Kiamesha Lake, NY  
Yonah Friedman, property owner

Chairman Lara – Last time this project was in front of us, we asked for an approval letter from the HOA.

Jim, has that been received? Jim Carnell – Yes and a copy of it is in the Google Drive. Chairman Lara – Okay. So, you want to extend your deck and you need site plan approval to do so, right? Yonah Friedman – Right and the site plan was previously submitted. Paula Kay – We just needed the HOA letter.

Chairman Lara – Helen, does this need a NEG DEC? Helen Budrock – It is a type II action, so no.

A motion to approve the modification to the previously approved site plan was made by Arthur Knapp and second by Kristin Boyd.

All in favor, 0 opposed

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

**GIBBER HOLDING & FRASER RESORT**

80 Gibber Road, Kiamesha Lake, NY

Fraser Road & State Route 42, Kiamesha Lake, NY

Joel Kohn, project representative

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

Chairman Lara – Joel, we know Gibber Holdings and Fraser Resorts are two separate projects, but because they are right next to each other, which you have mentioned before, would it be okay if we discussed them together? Joel Kohn – That is fine and that is why we grouped them together.

Joel Kohn – These are two proposed projects; Gibber Holdings, the development on the bottom of the site plan, is a 54-unit cluster development off of Gibber Road and Fraser Resort, the development on the top of the site plan, is a 59-unit cluster development off of Fraser Road. These projects are right next to each other and there is actually an emergency access for Fraser Resort through Gibber Holdings. That will be a gated access for emergency use only. We were last in front of this Board in May of 2022 and we sent out Lead Agency notice. I sent proof to Helen this morning and explained that the DOT only responded on the Fraser project because that property borders a state road and Gibber does not. Even though we haven't been back to the Board in a while, the projects have progressed a lot. We were working on getting a sewer district extension from the Town Board, who wanted us to drill the wells first so that they can see there was sufficient water. We did that, but it took a couple of months to complete because we had to wait on approvals for well locations, get the wells drilled, and have the 72-hour well testing and monitoring done. When that was done, we went back to the Town Board and had a public hearing on the sewer district extension last week, which had no public turnout or comments. We are hoping to have everything with the Town Board finished up in the next couple of weeks. A traffic study was completed and the SWPP is mostly completed and will be submitted to MH&E for their review. Essentially, we are here tonight to get more input from this Board, ask the Board to declare themselves as Lead Agency, and possibly schedule a public hearing for both projects.

Chairman Lara – Will they have an easement for the emergency access? Joel Kohn – Yes.

Helen Budrock – Does Laura have a copy of the traffic reports because I don't see them on the Drive. Joel Kohn – I will make sure she gets them. Helen Budrock – The SWPP is more touch and go, but the public will probably want to see the traffic studies. Matt Sickler – You will probably need to get the hydro report in as well because that question will probably be asked. Joel Kohn – Sure. I will make sure Laura gets everything. Chairman Lara – Paula, would we do the public hearings together? Paula Kay – That would be fine.

Chairman Lara – Before we proceed with any action, I know Helen had something she wanted to address regarding the cluster development use. Helen Budrock – I had brought my concern up when these projects first came before the Board, but it has been over a year since we have seen these projects, so I just wanted to reiterate my concern about considering these applicable under the cluster development provision of the zoning code. In the spirit of the law a cluster development is an innovated land use tool similar to a planned unit development (PUD). It was designed primarily for subdivisions and is often called a cluster subdivision or a conservation subdivision and the intent of allowing communities to cluster units closer together and not adhere to, or have some flexibility with setbacks, is for the purpose of creating open space, conserving natural resources, and other environmental benefits. I don't think these projects follow either the spirit or the letter of the law when it comes to being a cluster development for two reasons. I understand that there is a precedent that has been set here in Thompson and other communities, but this is the first cluster development that I have been able to review in the Town of Thompson. In my opinion, what has happened over the last 20 to 25 years is that developers have used the cluster provision, which towns are allowed to use in the subdivision regulations, as a way to maximize density, rather than conserve natural resources. What makes it tricky is that most of the developments we see are medium to large housing developments and are condominium versus subdivisions, so there are no lot lines. Typically, the zoning code says if you have 100 acres, you want to put in 100 houses, and the zoning allows for 1 house per acre, that is fine because each house has its own individual lot and as you guys know each house has to conform with the requirements in the bulk table. Once you erase the lot lines, then it becomes murky. Particularly when it comes to cluster subdivisions because, again, you don't have lots that you are clustering together. I just want to draw your attention to two things; 250-26(B1) of the Town of Thompson code and 278 (2a&3b) of the NYS town law:

**250-26(B) - Intensity of use.**

(1) The maximum number of dwelling units that may be approved in a cluster development shall be computed by multiplying the total acreage of the site after subtracting the areas that are unsuitable for development by the appropriate number of dwelling units per acre for the district in which such site is located as provided in IV, District Regulations. The maximum number of dwelling units shall not be approved if, in the judgment of the Planning Board, the site plan does not indicate adequate design and management of open space areas according to the following criteria:

- (a) Provision of recreation facilities;
- (b) Protection or enhancement of wildlife habitats;
- (c) Protection of surface water quality; and
- (d) Protection or enhancement of scenic quality.

**278(2) – Subdivision review; approval of cluster development.**

(2) Authorization; purpose.

(a) The town board may, by local law or ordinance, authorize the planning board to approve a cluster development simultaneously with the approval of a plat or plats pursuant to this article. Approval of a cluster development shall be subject to the conditions set forth in this section and in such local law or ordinance. Such local law or ordinance shall also specify the zoning districts outside the limits of any incorporated village in which cluster development may be applicable.

**278(3) – Conditions.**

(b) A cluster development shall result in a permitted number of building lots or dwelling units which shall in no case exceed the number which could be permitted, in the planning board's judgment, if the land were subdivided into lots conforming to the minimum lot size and density requirements of the zoning ordinance or local law applicable to the district or districts in which such land is situated and conforming to all other applicable requirements. Provided, however, that where the plat falls within two or more contiguous districts, the planning board may approve a cluster development representing the cumulative density as derived from the summing of all units allowed in all such districts, and may authorize actual construction to take place in all or any portion of one or more of such districts.

Helen Budrock – The Town of Thompson’s zoning code includes that provision because the NYS Town Law allows it and even though the Town of Thompson zoning code is somewhat amorphous about that issue, I feel the town law that comes from the state, which kind of supersedes that, is more specific. How most towns do it is the applicant submits a traditional subdivision plat, as we have seen in Emerald Green and other developments, that demonstrates how many units they would be able to get just using the zoning code as it stands with each house on its individual lot. Then that becomes the base number and in no case can the developer have more units than that when they cluster. I feel strongly that the base number for either of these developments has been to my satisfaction. Maybe you feel differently and that’s fine, I just wanted to make sure I brought it to your attention. My main concern here is really the impact to the wetlands. Gibber is not as severe, but there is a lot of wetlands and sensitive habitat. Plus, the units are squished right up against those wetlands. Chairman Lara – You are our consultant when it comes to things like this, so I think it would be fair to ask the applicant to do a conventional subdivision plat. Paula, how do you feel about it? Paula Kay – I’m guessing Helen also has some examples of well-designed cluster developments, being we don’t see that many clusters. To me, these look like more conventional developments rather than a cluster development, which to my understanding is when you cluster the homes together on a portion of the property and retain the balance to preserve the rest of the land. Chairman Lara – Joel, have you by any chance done calculations like that? Joel Kohn – I get what Helen is saying and her points are valid for the most part, but there has been a precedent set in the Town of Thompson and you have approved other cluster developments, similar to these two, without requiring a conventional subdivision layout. In fact, the conventional subdivision layout is not mentioned in the town code. Yes, there are other municipalities that have in their zoning laws that you have to have a conventional subdivision layout to get that base number of units, and there are even some that have bonus density if you cluster, but the Town of Thompson, does not have such a law. With respect to the impacts, I have actually done some sort of a conventional layout, just for Gibber Holdings, that shows a conventional subdivision would have way more disturbance and impervious surface because you have to have to lines, plus this zone allows for 2-family homes. Chairman Lara – Helen, just for some clarification, they can plot the homes out anyway they want, or works best, after they have that base number of units from a conventional subdivision? Is it just about the number of units that should be allowed? Helen Budrock – Correct and Joel was right that some communities specifically put in their zoning code that in order to exercise that cluster option you have to provide a conventional subdivision plat first. When I looked that the town’s code and saw the part where it said the number of units cannot be more than what would normally be allowed in a conventional subdivision, to me that says even if the town code doesn’t specifically say it, there is no way the Board would be able to make a determination on what the maximum number of units would be, unless the applicant goes through that exercise. Maybe this is something we can look at tightening that up during the Comprehensive Planning process. Joel Kohn – I just wanted to point out one more thing, if we do these as traditional developments, you won’t have as much green space. There will still be some between the homes and in the setbacks and buffer, but not as much as a cluster would allow for. Michael Hoyt – How many houses will you lose if you could do a cluster development? Joel Kohn – I don’t think there will be any houses lost. In the SR zone you can have 2-family houses, subject to site plan approval, so we could have like 30 lots with 60 homes. Which will most likely have a bigger impact than what we are proposing. Helen Budrock – Being you are proposing single-family homes, I think in order to justify the maximum density that you have in your zoning table, the Board really needs to see what an equivalent, single-family development, with houses on individual lots, would look like. Then they can compare the two and determine if clustering the units would be better or worse. Joel Kohn – I understand, but that is not what the zoning says and the reason why we are proposing single-family detached homes is because in the town’s cluster provision the bulk table says only 1-family detached dwellings. You might also want to consider reviewing with the Comprehensive Planning the possibility of allowing 2-family homes in your cluster development provision because that would allow for less separation than you see now. Again, I get it, but we did follow the zoning. Helen Budrock – But the zoning comes from NYS town code and it may be more of a legal interpretation issue, in which case maybe the attorneys can figure it out. I have an example of a traditional development and a cluster development

up on the screen so you can compare the two. The one on the left is the traditional development showing the number of units they can get and then the one on the right is the same property and number of units clustered together. It does not look much different from what Joel is proposing. Joel Kohn – That looks like our exact project. Helen Budrock – My point is, how do you establish that base number of units that you are legal allowed to have without the conventional subdivision plat. That is my argument. Joel Kohn – I am reading 250-26 (B1) and how it states the calculations should be done is what we followed and I just want to make sure that is clear to the Board. Arthur Knapp – So, that's how you came up with the number of units being proposed for both developments? Joel Kohn – Yes and is actually what has been done in other projects approved by the town. Paula Kay – My reading of this isn't much different except I am looking at the words used in the legislation, which is "may", not "shall". So, the Planning Board may approve clusters. The intensity of use that Joel is referring to is absolutely correct, but then later there is language that says you shall determine the maximum number of dwelling units without causing adverse effects on the resources of the town. Previously, a long time ago when we had clusters, the Planning Board was able to consult with the Conservation Advisory Council, which is no longer. My history with clusters is that the applicant puts the maximum number of units allowed as close together as possible to leave as much green area as possible, which I know is what you are doing because you are leaving land in the middle. Joel Kohn – Right, instead of leaving it on the side because it is a better setup. Helen Budrock – Without beleaguering the point, the Planning Board can ask the developers to go through that exercise to establish the base line of units or you can take it on faith knowing you have the discretion in the town's cluster provision to make some decisions on your own, but I don't think there is enough open space being preserved and I would feel more comfortable if you had a concrete baseline to compare. Michael Hoyt – I think we should take Helen's advice as this is what she is hired to do. We can just look at the baseline, then we can go from there. Chairman Lara – I like how Helen explained it and think she is making a good point. Arthur Knapp – It would make it definitive. Paula Kay – And there are four things that are specifically called out in our code; recreation, enhancement or protection of wild life, protection of water quality, and protection or enhancement of the scenic quality.

Chairman Lara – I don't remember seeing any recreation areas on the plan. Helen, does that matter in a cluster? Helen Budrock – Yes. It's one of the things you should take into consideration. With a design like what is being proposed, you usually see a playground in the middle open space and then some pools or other stuff like that. Joel Kohn – Right and we do show that on the map. There are playground areas, sports courts, pools, and a community building. Chairman Lara – Okay.

Chairman Lara – Will the developments have a shared water system? Joel Kohn – I am currently working on that with both of them, but most likely they will have a shared system because it makes sense. If it is shared, it will be setup properly with easements and things like that.

No further questions or concerns from the Board.

Chairman Lara – So the Board has agreed that we would like the applicant to do a conventional subdivision to get the baseline number for both projects and come back to the Board with that. Joel Kohn – Okay. So, I think the only other thing would be motion to declare Lead Agency, if the Board is ready. Helen Budrock – That would be fine if the Board is ready.

A motion to declare Lead Agency for the Gibber Holdings project was made by Kristin Boyd and second by Arthur Knapp.

All in favor, 0 opposed.

A motion to declare Lead Agency for the Fraser Resort project was made by Kristin Boyd and second by Arthur Knapp.

All in favor, 0 opposed.

## **OLD ROUTE 17 WAREHOUSES**

1283 Old Route 17, Harris, NY

No one appeared on behalf of this project.

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

## **GLEN WILD RE HOLDINGS**

47 Katrina Falls Road, Rock Hill, NY  
Tim Gottlieb, project representative

Jim Carnell was recused.

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

Chairman Lara – Paula, can you give us an update on where this stands in court? Paula Kay – I believe the new town prosecutor has had one appearance with this project and it was adjourned so that some of the work can be done and the site plan can be updated. I believe she is waiting for the update from this Board to proceed.

Tim Gottlieb – Mr. Walsh has been diligently cleaning up and we met with the DOT to discuss the entrance. They gave us their okay on the landscaped berm up in the front, across from the Karina Falls exit. He is waiting to start that work because he can not do anything without the Planning Board approval.

Chairman Lara – It is my understanding that some of the board member got a chance to drive by there. Does anyone have any comments or questions about the site? Kristin Boyd – Is there any way to do some more screening from the road? Chairman Lara – Meaning from Karina Falls Road? Kristin Boyd – Yes. There is a lot visible when you come down off Route 17. Tim Gottlieb – I can inquire. Kristin Boyd – That would be great. Arthur Knapp – I drive by all the time and there has definitely been an enhancement. I think the berm will be a great addition. Tim Gottlieb – The DOT actually required that and there will be some screening on the other side of the barn so that you are not looking directly at the parking spaces.

Michael Hoyt – There are a few photos on the drive, where did those come from? Laura Eppers – I believe they came from Logan when she went out for a site visit. Michael Hoyt – I know she is not here tonight, but do we know what her feelings were on the site visit. Chairman Lara – She sent a message that said even though he did clean up the site, it is a little bit of a free-for-all. There are no spaces that are specific to certain storage, so the entire site has become a dumping ground. She did ask if there could be limits put on the site plan that show specifically where things such as scrap metal, trucks, dumpsters, etc. will be stored and I agree. This way there are defined spaces for everything. I also think, and I'm sure the rest of the Board will agree, that there should be a note on the plan that states the site is not to be used as a transfer station or storage of garbage. Matt Sickler – Looking at the pictures it was kind of hard to tell where on the site some of the stuff was, but it did look like there was some stock piles or mounds of dirt. I'm not sure if that was just dirt that is going to be used to reclaim the site and I know the site plan does show a small amount by the parking, but that's only about 2 feet and the pictures look like there is a bit more than that. Michael Hoyt – I believe that picture was taken down around back of the substation. More towards the lake end of the property. Chairman Lara – So, basically, I think we just need some limitations on where things are going to be stored and to make it clear that there is to be no garbage on the site. Tim Gottlieb –

Okay.

Matt Sickler – To access the areas back towards the NYSEG substation, the topo looks pretty steep. Is there a road engraved in there? Tim Gottlieb – It's not a defined road. Michael Hoyt – There is a road that goes back through there. It is kind of in between the substation and the convenient store next door. It has been there as long as I can remember because years and years ago it was a farm and the road was used to get to the back of the property. Tim Gottlieb – The access to the substation is blocked off now. NYSEG had requested that a while ago, so he put some jersey barriers there. Chairman Lara – Does the owner have approval from NYSEG to access back there? Tim Gottlieb – I don't know for sure, but I don't think so. I think that was why they asked for it to be blocked off.

No further questions or comments from the Board.

Chairman Lara – As there have been quite a few comments, do you want us to put this back on for 2 weeks or would you prefer a month? Tim Gottlieb – Maybe a month. Chairman Lara – That's fine. I wasn't trying to push you Tim, I just thought you might need to come back in 2 weeks because of the court case. So, we will see you in a month. Michael Hoyt – Maybe one of the owners can be here so that when we ask a question, we are not pushing it off while you get the answer. Tim Gottlieb – I thought he was going to be here tonight, but I will ask him to attend the next meeting.

#### **VERIZON WIRELESS**

585 South Maple Road, Monticello, NY

Scott Olsen, project representative

Wasif Sharif, project RF engineer

Tony Poli, property owner

Helen Budrock pulled up the slide presentation submitted by the applicants RF engineer for everyone to share.

Scott Olsen – At the last meeting we were at a question came up about whether we can relocate the tower to the top of the hill, further away from Sackett Lake Road. I said that we could come back to this meeting with our RF engineer to explain better why we proposed the location we did and to see if it was possible to relocate the tower. Wasif is our RF engineer and is here tonight with me. He put together this slide presentation to show why moving the tower north would be problematic from technical stand point, so I will let him take over from here.

Wasif Sharif – Hello everyone. I am here tonight to explain in a little more detail why the relocation of the tower is not going to work. There are two things I want to bring to your attention. The first one is the goal of this site and the second one is the frequency bands of the Verizon Wireless operation. By putting a tower on this site, we are trying to improve the coverage and capacity in this area. We do not want to end up in a situation where we provide coverage but do not have capacity. This would mean that our customers will see full bars but will not be able to make or receive any calls or use any data. As for the operating frequency bands of Verizon Wireless, we operate in two different frequency bands; low-band frequency and mid-band frequency. We know that the higher the frequency, the less distance it travels, so basically our mid-band frequencies travel less than our low-band frequencies. The other reality is that 90% of the capacity lies in the mid-band. Overall, we are trying to deploy 220 megahertz on this site, but out of those megahertz, only 20 are in the low-band and the other 200 are in the mid-band. Like I mentioned before, we do not want to provide low-band coverage only so that our customers have both coverage and capacity. The next slide shows our current mid-band coverage in this area and you can see that currently there is none. So, what we are trying to do is provide that mid-band coverage to the Sackett Lake area and eventually in the Northeast. With the next slide you will see with the proposed location we have a

footprint from the mid-band. We use different colors to show the different tiers of coverage. Green is the best tier, with perfect indoor and outdoor coverage, then yellow, then orange. You can see the proposed location is covering the residential area, but not with very good coverage, so this is already a compromised location. This location was actually pegged in a very calculated manner and we can not move any further away from this location if we are to be sure to provide mid-band coverage. The next slide shows other proposed locations and you will see that we would either completely lose mid-band coverage or we would move from yellow to orange, which is not indoor coverage. This is why, in my expert opinion, shifting the tower any further north will increase the distance from our targeted area, which is mostly the southern portion of Sackett Lake. So, by moving the tower north our capacity objective for this site will fail because our customers will see coverage but not be able to use data. With that being said, we would like to stick with the proposed location.

Chairman Lara – No disrespect, but maybe this would be the time to have our own expert take a look at this as this is way over our heads. Matt Sickler – I can find somebody to do that. Chairman Lara – I think you did a fine job Wasif, but I would like a second opinion. Wasif Sharif – I totally understand. Scott Olsen – This is not something most Planning Boards see often and it is very technical, which is why I chose not to try and explain it myself, so we do understand why you would want to get your own representation. With what we are providing, we are very confident that any qualified expert will be able to review this, understand it, and be able to convey it to you. Paula Kay – This is similar to what the Board does when it comes to traffic, or water, or any specific subject matter; they will engage a consultant that reviews the applicants work. Scott Olsen – We definitely do not have an issue with that, but the Board obviously needs to find and engage their own RF engineer; in the meantime, can we proceed with the balloon test? We will proceed at our own risk, in case your consultant comes back with a different outcome on this, which we don't think they will, just to keep this in motion. Paula Kay – So, you are saying if our consultant determines there is a better location or they would like to see a balloon test at a different location, you would be amenable to a second balloon test? Scott Olsen – Correct and what I will do, if the Board gives the okay, is present the option to my client first and see if that is what they want to do. Because I totally understand where you are coming from and they may want to wait and do it all at once to save on some costs. Chairman Lara – I don't see any harm in allowing this because I think it would be beneficial to the public and the Board to see where it would be. Michael Hoyt – Tony, as it is your property, do you have anything to add? Tony Poli – There is already a solar farm there, which is fine, and I wouldn't want to demoralize a bunch of trees by putting this in the wooded area. It is also wetland back where you are asking them to put it and as I heard tonight on a previous project, you are worried about wetland disturbance. The location they are proposing is right next to the solar farm and away from the trees and wetland. I think it is the perfect location for the site and for what they are trying to accomplish and I think anyone who lives in Sackett Lake will agree that additional service is definitely needed. Michael Hoyt – Just by looking at the coverage maps that were shown to us, it looks like the area that would take the biggest hit if the tower was moved, would be Camelot Woods. Which is a seasonal property, so I think we should take that into consideration as well. I think it would be best to let our consultant also take a look and advise of their findings.

Jim Carnell – Scott, if your client decides to proceed with the balloon test now, will you be able to provide us with a time and date and the locations? That way the Board will know and we can get it on our website. Scott Olsen – Absolutely. If we decide to proceed at our own risk, we will provide advanced notice. Paula Kay – Do you know how much advanced notice? Scott Olsen – Usually a week to 2 weeks at least. Sometimes it can be as far out as 3 weeks, but I will let you know as soon as our person who does the scheduling is back from vacation. It is also weather pending, so we will look at the weather a day or two before the scheduled test and if there is an issue with the weather, we will let the Board know that we need to cancel and reschedule. It is usually for the next day.

No further questions or concerns from the Board.

A motion to permit the applicant to schedule a balloon test, at their own risk with the possibility of having to do a second test, was made by Arthur Knapp and second by Michael Croissant.

All in favor, 0 opposed.

A motion to engage a RF engineer consultant was made by Kristin Boyd and second by Michael Hoyt.

All in favor, 0 opposed.

### **WEISS REALTY (WITH WISE EQUITIES)**

49 Kroger Road, Bridgeville, NY

No one appeared on behalf of this project.

A motion to take the agenda out of order was made by Michael Hoyt and second by Kristin Boyd.

All in favor, 0 opposed.

### **SILAS MANOR**

Old Sackett Road, Rock Hill, NY

Patrick Hutton, project engineer

Earl Silas, property owner

Patrick Hutton – This is the project formally known as Cherry Hill, who received Planning Board approval quite a few years ago, but never went any further than that. We were here last month to proposed basically the same project, just under different name, and were asked to provide an EAF. We did and I believe it was circulated to the Board, and I would be happy to answer any questions you may have.

Chairman Lara – Helen, did you have any questions on the EAF? Helen Budrock – Not at this time. I have been diving into the very extensive history for Cherry Hill. It's a pretty straight forward conventional subdivision that conforms to the zoning and it doesn't really differ in scale to other lots in the area.

Chairman Lara – Jim, would you please talk about the email received from Mike Messenger regarding DEC regulations. Jim Carnell – Previously the we received a letter from the NYS DEC regarding any expansions that would require their approval and clarified what would fall under their threshold. Mike Messenger emailed the Board a list of projects that are currently under review and would require DEC approval first, and this was one of the projects on that list. So, you will have to get DEC approval again. Patrick Hutton – Absolutely. Matt Sickler – And they identified the DEC as one of the outside agencies they would need approval from on the EAF they submitted. Earl Silas – I have also already had a conversation with Mike about this. Chairman Lara – Great.

Chairman Lara – Matt, do you have anything to add to this? Matt Sickler – Not at this time, but I will go through it and submit any comments I may have.

No further questions or comments from the Board.

Chairman Lara – So, at this point I think we need to schedule a public hearing. Helen Budrock – And you will need to start the SEQR process from the beginning. The first step will be to declare your intent to serve as Lead Agency and I think to be on the safe side, you should probably do coordinated review and circulate the notices to all interested agencies. Chairman Lara – Okay. Scott Olsen – Seems reasonable to me.

Chairman Lara – And when will you guys be ready for a public hearing. Scott Olsen – As soon as possible.

Chairman Lara – Laura, what is the earliest meeting we can schedule them for? Laura Eppers – The second

meeting in August, which is August 23<sup>rd</sup>. Chairman Lara – I would just like to say on behalf of the Board that if there is public that comes out for this, they are probably going to want to see recreation so maybe have some pictures or additional information on that. Paula Kay – You may also want to go back through the minutes of the prior public hearing held for Cherry Valley and see what the comments and concerns were at that time, so that you can be prepared to address them. Matt Sickler – And I will get me review done in the next couple of weeks so that they have time to address those prior to the public hearing.

A motion to declare the intent to serve as Lead Agency was made by Michael Hoyt and second by Michael Croissant.

All in favor, 0 opposed.

A motion to schedule a public hearing on August 23, 2023 was made by Arthur Knapp and second by Kristin Boyd.

All in favor, 0 opposed.

### **RNR – PITTALUGA ROAD**

Pittaluga Road, Monticello, NY

Glenn Smith, project engineer

Glenn Smith – The first page of what I just passed out is basically the approved plan with 120 doublewide mobile homes. What I have shown in green is the approved location for the caretaker's unit and the orange is lot 105. Nobody liked the caretakers house where it was, so what we are proposing and showing on the second page, is to move the caretaker's house to where lot 105 is and move lot 105 up to the row that is kind of parallel to Old Liberty Road. That whole row on Old Liberty Road, 97 – 104, we had 40 to 50 feet between the units and only 30 feet is required. So, by squishing them together a little bit, but still leaving a little more than 30 feet between them, we were able to fit 105 in there. This way the caretaker's unit is by the first entrance off Old Liberty Road. It is a much better location for it and we will put the dumpster up there as well. The third page is just a copy of what was filed with the County showing what is there now, which is about 75 homes and there is another 45 to go for phase II. As this is a modification, we are here tonight seeking approval.

Chairman Lara – So, these where all just built and they are already sold. I have a stack of deeds on my desk and I think it is pretty neat how quickly they sold.

Michael Hoyt – There are recreation areas in there, right? Glenn Smith – There are large swimming pools, some sports court, and playgrounds. The copy I supplied you may not show them. Michael Hoyt – But, have they already been built. Glenn Smith – The recreation for phase I has been built, but not phase II yet.

Michael Hoyt – The home supply is okay now? I know they wanted to do stick built a little while back because they were having trouble getting mobile homes. Glenn Smith – Apparently because they are coming in fast now and we are looking for places to put them until they can be installed. Michael Hoyt – Is it them who took out the light there on Liberty Street? Glenn Smith – I think that was a truck and they cannot take the blame for this one.

Glenn Smith – Do we have to come back to another meeting for action? Chairman Lara – No, we can take action now if the Board is inclined. Arthur Knapp – I would be comfortable with that. Jim Carnell – I would just suggest one condition because I believe the SWPP needs to be updated and reviewed by our engineer. Matt Sickler – Right. The SWPP will need to updated to show the revised location and grading. Jim Carnell – Any elevation changes from moving the units closer together and I know the main has not been installed down in that section yet. Glenn Smith – The main will stay in the same place and we will just run another lateral. Jim Carnell – What about the slabs now that they are closer together. Glenn Smith – There will be a

slight change, but we will show that. Matt Sickler – That will be nice just so that when we go out there, we will have the distances between them and the revised grading. You also mention a change to the dumpster location in your letter Glenn Smith – That's not on there yet, but I will get that done and get it to you. Matt Sickler – Okay, but that will be somewhat adjacent to the caretaker's unit, right? Glenn Smith – Right and there will be an enclosure and they are actually talking about a possible compactor, so I will get that together for you. Chairman Lara – Why is the compactor only a possibility? Jim Carnell – Because it is a mobile home and not a bungalow colony. Glenn Smith – I think they are going to go for the compactor. Chairman Lara – I personally don't see why anyone wouldn't. Glenn Smith – They will most likely install one.

No further questions or comments from the Board.

A motion to approve the minor modification to a previously approved site plan, subject to the town engineer's final review, was made by Michael Hoyt and second by Arthur Knapp.  
All in favor, 0 opposed.

### **BIRCHWOOD ESTATES**

Sackett Lake Road & Gun Club Road, Monticello, NY  
Glenn Smith, project engineer

Glenn Smith – This project was approved many years ago by the Board for a total of 70 units. We lost 3 over the years and added a pool and activities building. The official count right now is 66 homes and 1 caretaker's unit for a total of 67. Several years ago, they acquired a 1.2-acre adjoining parcel on Sackett Lake Road. That parcel is the red square you see on the first page of what I passed out and the second sheet is just an enlarged version of that property. What they are really looking to do is get back to the 70 units they were already approved for, which the sewer and water systems are based on. If we do get this approved, the only thing we will need to do is get Town Board approval to extend the sewer district to the new parcel as it is currently not in the town's sewer district. There are sewer and water lines already installed along the front of the property, so it would be easy to connect. If this Board is inclined to act before we get the extension approved, that would need to be a condition.

Chairman Lara – As you previously heard the DEC is cracking down on approving projects before all infrastructure is in place. Glenn Smith – We are not looking to add more than the 2,500 gallons per day, so I'm not sure if the DEC would be an issue. Chairman Lara – This project was on Mike Messenger's list so that's why I'm asking. Jim Carnell – When this project was first approved it was annexed into the district and got DEC approved based off of an average bedroom count of 5 per unit. They had about 30 houses left to go when they hit their threshold of 33,000 gallons. So, each home that has been built subsequent to that has been paying based off of the bedroom count per unit and everyone of the last 27 houses built have been 8 to 10 bedrooms. Just in a brief conversation with Mike, he thought this may hit that DEC threshold. Glenn Smith - I think Mike has been working with Douglas Upright, so I'm not sure if he wants plans for the whole project, but I will talk to Mike myself and get him what he needs.

Chairman Lara – Paula, because condos are so specific and they are now changing the meets and bonds description, we would need to do an amended declaration, can we do that now? I'm not sure how that works, I just now it is very specific. Paula Kay – Right. Yes, they will need to amend because they took in new property. Chairman Lara – I know the ownership percentage won't change because it is staying at the 70 units. Paula Kay – They need to amend because the property that was sent to the attorney general as part of the association has now changed. Glenn Smith – I think Jay Zieger did the original so I will have him or Ivan take care of that.

Chairman Lara – Matt, do you have anything to add? Matt Sickler – Not other than what Jim already

mentioned and Mike and I are getting together early next week so we will have Glenn join us and discuss what needs to be done.

Helen Budrock – If I'm not mistaken, I think this is a special use because it was originally approved as a cluster development. Glenn Smith – That is correct. Helen Budrock – As cluster developments are subject to special use approval, I would say we need to have another public hearing because there is a change, even though it is minor. Plus, it is on a county road so I think we should do another 239 as well. That way you can make sure all of your bases are covered. Chairman Lara – Thanks Helen. Glenn Smith – It's not premature to send out the 239, right? Helen Budrock – No and even though it is unlisted, you don't need to do coordinated review. So, you can declare yourselves a s Lead Agency tonight if you want, schedule a public hearing, and send it off for a 239 review. Chairman Lara – Is August 23<sup>rd</sup> okay for you Glenn? Glenn Smith – That would be fine.

No further questions or comments from the Board.

A motion to declare Lead Agency was made by Kristin Boyd and second by Arthur Knapp.  
All in favor, 0 oppose.

A motion to schedule a public hearing for August 23, 2023 was made by Kristin Boyd and second by Arthur Knapp.  
All in favor, 0 opposed.

A motion to refer this project to the county for 239 review was made by Michael Hoyt and second by Arthur Knapp.  
All in favor, 0 opposed.

### **LOCKI KASIOTIS**

23/28 Schroder Road, Monticello, NY  
David Ryan, project attorney

David Ryan – I am passing out an updated site plan. The only change is the building has been relocated to fit within the setbacks.

Helen Budrock – I think the issue the last time you were here was that the garage was one lot and the house was on another. David Ryan – We are combining the lots and submitted that paperwork already. We actually show that on our proposal. We also show that access will be off of Gandy Road.

David Ryan – Another thing discussed at our last meeting was the grading and utilities. We have located the well and septic field and have straightened out the trailer. Matt Sickler – I see you have moved it about 20 feet and it now looks to be in the setbacks.

Chairman Lara – Jim, I have a note here that the commercial garage is permitted. David Ryan – No, it's not. Jim Carnell – If you look at the highlighted area on the tax map, the zoning district boundary is between lots 4 and 5. One of them is in a commercial zone and I believe the other one is in the SR zone. David Ryan – If you look at the back page, I believe they are both in the HC-2 zone. Jim Carnell – I know only one of them is commercial, but I can't remember which one. Chairman Lara – It looks like lot 4 is in the HC-2. David Ryan – Right and it looks like 5 is too. The other thing about this is, if you look at the tax map, we provided for lots 4 & 5, it says 23 & 28, when in actuality, lot 4 is 12 Gandy Lane and lot 5 is 19 Schroder Road. Chairman Lara – That's 911 and you should reach out to County Real Property about that. David Ryan – Someone told me I had to reach out to the Town about that. Chairman Lara – It is definitely the

County you need to deal with and they can update the address to Gandy Lane, instead of Schroder Road.

Paula Kay – I would suggest, and I think that we mentioned this previously, that a note be put on the map that states the garage is for residential purposes only. David Ryan – I think we discussed doing an affidavit from the owner. Paula Kay – We can do both. David Ryan – Okay. That’s not a problem. It will say that this is investment property and the house and garage go together. Paula Kay – No. It needs to say that the garage will be used for residential purposes only. Laura Eppers – And I believe the Board previously asked for the affidavit to state that this would be the new residence and not the one on Coopers Corners Road. Paula Kay – And now you are saying it is going to be investment property. David Ryan – I spoke to the owner and he said this would be for rental only. Paula Kay – So, it is not going to be his residence. David Ryan – Correct and the garage will go with the rental of the house. Paula Kay – I just want to be very clear with this; there will not be anybody running a business out of the garage, storage of cars on the property, or tow trucks coming in and out. David Ryan – There will not be any of that. We will put a note on the map stating that and we will get an affidavit as well. It will say that the garage is part of the residential rental and will not be used for any commercial use. Jim Canell – Why don’t you draft something up and send it in to us to take a look at. David Ryan – Okay.

Chairman Lara – Matt, do you have anything to add. Matt Sickler – Access to the garage is going to be from Gandy Lane, right? David Ryan – Right. Matt Sickler – Okay. Can you just show that on the plans? David Ryan – We can add that showing the access drive coming in off of Gandy to the garage and then down to the residence. Matt Sickler – And that won’t go over the septic field, right? David Ryan – They may have to move it because the tank is there too. Paula Kay – If it changes from what you submit, you will have to also submit an updated plan showing the changes. David Ryan - Maybe they will change it to a H2O tank, so that they won’t have any issues driving over it. Matt Sickler – Just show whatever you do to make it work.

No further questions or comments from the Board.

A motion to approve the site plan, subject to Matt Sickler’s final review and both a note added to the site plan and an affidavit stating that the property will in no way be used for commercial purposes, was made by Arthur Knapp and second by Michael Croissant.  
All in favor, 0 opposed.

Jim Canell advised that Jay Patel will no longer be our traffic consultant at CHA and our new consultant will be Sandeep Das. He has already had communication with Sandeep and explained how our Google Drive and Planning Board works so that he will be prepared for the next time we need to engage.

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

