

APPROVED

TOWN OF THOMPSON
PLANNING BOARD
July 26, 2023

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

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

A motion to approve the June 14, 2023 meeting minutes was made by Kristin Boyd and second by Michael Hoyt.
All in favor, 0 opposed.

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

RUGELACH BAKERY

4437 Route 42, Monticello, NY
Tim Gottlieb, project representative

Tim Gottlieb – I took a look at this before heading here and noticed that the addition is 2 ½ feet in the setback. We are going to need to go to the ZBA for a variance or cut the building down, but due to the Jewish holiday, I cannot talk to my client right now to see what he wants to do.

Paula Kay – You can give them a denial tonight, that way if they decide they want to go to the ZBA they can. Tim Gottlieb – Okay.

Chairman Lara – So, are they looking to put up the addition and take down the particle board shanti that’s currently there in the back? Tim Gottlieb – Yes. The whole purpose of this is to clean it up. Chairman Lara – That’s great and I noticed that they have started cleaning up the site.

Jim Carnell – I just wanted to mention that Mike Messenger came in to see me and from what his understanding of where the property lines are, the sewer and water mains might be adject to or right on the rear property line. From what the site plan is showing, there appears to be about a 20-foot discrepancy. After talking to Tim there may or may not be an issue because this plan was base off of an old plan, from 1998 I think, which is when they did away with the gas pumps and everything else. However, the old site plan did not reference a survey, so maybe it would be appropriate to get a new survey. Paula Kay – I agree because 25 years is a long time. Jim Carnell – Tim, do you have an old survey for this or know if there even is one? Tim Gottlieb – Not in my records, but we have one done.

Matta Sickler – I don't not sure this would mater for this application, but does the parking count use our old or new ordinance? Tim Gottlieb – I'm not sure. Matt Sickler – Okay. If you could just look into that and make sure it is correct. Tim Gottlieb – Okay.

Chairman Lara – Helen, do you have anything to add? Helen Budrock – This is pretty straight forward, but I would just say that if they come back and this goes to the county, they are going to want to see a landscaping plan with lighting details. I know there was a landscaping plan but I'm not sure if the lighting was on there or if it is even changing. Tim Gottlieb – It will not be changing. Helen Budrock – Maybe just note that on the plan somewhere because they usually look for that. Chairman Lara – If they are not changing use, do we even have to send this to the county? Helen Budrock – It is still an addition, but I don't know if this is on that list of things that would be exempt from review. Paula Kay – I will check. Chairman Lara – Only because if they are here now and I would like to do the referral if it will be needed. Paula Kay – I would just refer and deny it tonight and Tim's client can make some decisions. Chairman Lara – Okay. Helen Budrock – I just wouldn't send anything to the county until they tell us how they wish to proceed. Chairman Lara – Okay, so we will wait for your instruction Tim. Tim Gottlieb – Okay.

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.

A motion to deny and refer this project to the Zoning Board of Appeals was made by Kristin Boyd and second by Arthur Knapp.

All in favor, 0 opposed.

DEB EL FOODS

64 Kutger Road, Thompsonville, NY

Dave Higgins, project engineer

Shawn O'Connell, project engineer

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

Chairman Lara – We saw that you responded to the comments given at the public hearing, so why don't you just give u a little update. Dave Higgins – Basically we provided a written response to all of the comments and those really boiled down to a few things. One was site distance from the driveway. We measured the site distances from both the existing driveway and the proposed emergency access drive. The site distance for pulling out of the emergency drive is fine and we have added a gate there so that it would be used for emergency access only. The existing drive is fine when looking to the left, but when looking to the right, there was only 150 feet and based on the speed limit it should be 390 feet. So, what we are proposing is to do some regrading in the area just to the right of the access drive to get those 390 feet. We will basically pull back the grading there on the side of the road and adjust the landscaping there. I'm guessing that someone sitting in a truck may already be able to see over what is currently there as they sit higher than a normal vehicle, but we will make sure to meet the site distance that way a passenger car will be able to see further. Another one of the comments was to add a stop sign at the end of the access drive, but there actually is one there already. I'm not sure when Elliot added it, but in addition to that we are proposing to add a stop bar there as well. Chairman Lara – That's the thick white line that gets painted on the road? Dave Higgins – Yes and it is just another reminder to the trucks that they need to come to a complete stop and look both ways before pulling out. Helen Budrock – I think you also mentioned reaching out the Highway Superintendent regarding possibly installing additional speed limit signs. Dave Higgins – That was just a recommendation because I went all the way down Ranch Road to the intersecting road and I believe there is only one sign in approximately a mile and a half. Chairman Lara – And people may take

that as being allowed to go 55 MPH. Dave Higgins – Right and it speed limit for that road is 35 MPH. Helen Budrock – Kathleen, should the applicant reach out? Chairman Lara – That would be fine and I don't think it could hurt. Paula Kay – And I hate to say this, but you may have to have a conversation with both Towns, Thompson and Fallsburg, as it is right on the town line. Dave Higgins – Okay and the last thing would be the neighbor's request for a meeting to discuss runoff. If you remember, they had there attorney here for the public hearing who made that request and I did reach out to the consulting engineer for them. Paula Kay – Who is there consulting engineer? Dave Higgins – Mike Rielly and I reached out to him a few times and left messages but didn't hear back from him, so I reached out to their attorney. He advised that their engineer would be providing a written report that outlines their concerns. I mention that we are wrapping up our written response to all the other comment and would just put what he told me in our response. When we get their written response, we will know exactly what their concerns are and will probably meet out at the site to go over those. Chairman Lara – That sounds promising. Paula Kay – It is also a little disappointing because I also reached out to Mr. Landrigan, the neighbor's attorney, and left several messages with no response. The deal was at the public hearing that the 2 parties would meet before the project came back to the Board and having to wait for the neighbor to work up a report kind of puts the applicant in a potion of having to wait on them. How long is the applicant supposed to wait? Should there be a timeframe on this? Normally you wouldn't move on until all public hearing comments have been discussed and addressed. Chairman Lara – Can we send a letter to them giving them a timeframe? Paula Kay – You can send a letter advising that your intention is to continue to review this project and bring it to a conclusion. Chairman Lara – I don't want to hurt the neighbor in any way, but it is also not fair to the applicant to have to wait on them. Paula Kay – I would like to send a letter and suggest that prior to one of the August meetings they need to meet with the applicant to address their concerns. Chairman Lara – How does the rest of the Board feel about that? Arthur Knapp – I think a timeframe would be helpful.

Michael Hoyt – I was thinking about when we toured the penthouse in the Casino and how visible this property was from there. I believe at that time this project was seeking approvals for the egg crushing operation, which I believe he is no longer doing, right? Dave Higgins – We did propose a pharmaceutical building at one point, that was approved, but it was never built. I believe they are doing something different with the egg shells now and they are being removed from the property promptly, so I don't think they have piles of eggs shells anymore. Michael Hoyt – I just remember how visible that site was and one of the concerns that came up in the public hearing was how close the proposed building will be to the road. Is there anyway it can be constructed anywhere else on the property? Dave Higgins – I did speak to Elliot about that and he said it basically had to do with how the product comes in and goes out. He didn't want to have it further into the site and past the scale that is already there. It would also create conflicts with trucks and their movements. Michael Hoyt – I just thought it would be better if it wasn't right at the road and it would probably help with some of the egress issue as well. Chairman Lara – Plus, there is already truck stacking currently happening and this road is terrible. Dave Higgins – I think the truck stacking will be resolved because we are providing reserved area for the trucks to wait and there will be retaining walls and screening so, I don't believe the building will be visible from any residential structures along that road. I have walked the road and I know you can see the casino in the distance, so I'm sure they can see this property, but it won't be seen from any surrounding houses because there are currently taller buildings on the property that cannot be seen. Jim Carnell – There is currently a security gate up by the scale house, are proposing to change that or possibly add another gate closer to the road? I am just concerned about stacking of trucks waiting to enter the property and wondering how people will be accessing the new warehouse if the security gate is past it? Dave Higgins – I will have to check with Elliot on that. I think he wanted to add a new scale and I believe we show it on the plan. Helen Budrock – It is shown on the plan. Dave Higgins – So what I don't know is if he plans on getting rid of the existing scale. He might plan to keep them both so that there is one coming in and one going out, that way trucks don't have to turn around to use the same scale. Jim Carnell – What I am referring to is not really a scale house; it is a security house. Dave Higgins – Right. Michael Hoyt – That is not on this plan here. Jim Carnell – That's what I am trying to get at; how are people going to access this new warehouse without going through security? Is the security house going to be relocated? And I just want to make sure there won't be an issue with

truck stacking and end up in the same situation as the Rock Hill site. Shawn O'Connell – Logistically, we had it set up that there would be a little panhandle off to the side for trailers to go around. They will still have to go past the security guard to loop around to get to the second scale. So, any trucks that will enter will have to go past the security guard to turn around in order to access the secondary scale. Jim Carnell – May you can write that in as part of your operations so that the Board has a better understanding. Dave Higgins – I think the major questions is, will trucks only be arriving and leaving when someone is at the security gate. Jim Carnell – Truck stacking is my biggest concern because it will then become an enforcement issue, a traffic issue, and a safety issue. Chairman Lara – I agree. Matt Sickler – Maybe a truck movement plan would be helpful. Just to show how they will circulate the site to get loaded and access the scales. Dave Higgins – Okay. Kristin Boyd – And showing there is enough room for them to get off the road without stacking. Dave Higgins - I don't think there was ever an issue with stacking on Ranch Road, right? Jim Carnell – No, but Kutger Road isn't that long and I think the concern is they will back up to Ranch Road. The first loading dock looks like there might only be enough room for 2 or 3 tractor trailers to get off of the road, so we just want to make sure there is enough room and no stacking will occur. The security shack is way up there by where it says "existing truck scale" and people will have to stop there before they can go into the site. Dave Higgins – I will confirm with Elliot, but I think the problem is that all of the trucks wait on Kutger Road until they are ready to go. They used to send them over to the Rock Hill Drive site, which obviously had its issues, so they don't send trucks there anymore and they end up waiting on Kutger Road. I believe what is going to happen now is that the trucks will wait in the loading docs until they are ready to go and not on the road, but will provide something that shows all of that. Michael Hoyt – Are they getting weighed coming in and out of the warehouse? Dave Higgins – Yes. Matt Sickler – When the trucks come in off of the road, will they go up into the loading docks this way or around this way? Shawn O'Connell – They will come in through the existing security guard shack, continue down further into the facility, turn around by the proposed secondary scale, and then come back down to the new building using the drive on the other side. Michael Hoyt – I don't think that is going to work very well. Matt Sickler – How about when they leave? Paula Kay – And why wouldn't they go out more towards the right so that they don't have to loop around? Jim Carnell – That would probably be a lot of cut and fill. Matt Sickler – Yeah, the grades look pretty steep right there. Paula Kay – Okay. Dave Higgins – We will get you guys a movement report with the turning radiuses and everything like that. Matt Sickler – Okay. Arthur Knapp – I think a T & M would help us visualize much better.

Dave Higgins – I also wanted to discuss the height of the proposed building. I don't know if we touched on that yet, but from the lowest grading to the parapet, is 38 feet. Chairman Lara – I think we did talk about this. Jim Carnell – It is measured from the roadside and at the time we discussed it I think you were sure about elevations because one side of the building was lower than the other and you weren't sure if fill needed to be brought in. Shawn O'Connell – Right. So, the building will be about 30 to 31 feet tall if you calculate from the average grade along the front side of the building or about 36 feet tall if you calculate from the lowest grade. Jim Carell – I think our code states from the roadside, so do you know if those measurements were done from the roadside? Shawn O'Connell – I can verify that, but I believe it will still be around 30 feet from average grade. Dave Higgins – It looks like it is 38 feet from the lowest grading point and 20 feet from the highest, so the average should be in the low 30's. Jim Carnell – Can you do a retaining wall at this corner of the building to help, so that you won't have to go to the Zoning Board for a variance? Dave Higgins – Probably, but I didn't know if it was based on the average grade or the highest point. Jim Carnell – It would go from the highest measurement.

Chairman Lara – I think that we will need to engage our traffic consultant for this project. Between the comments from the public hearing, the complaints I have been receiving from the residents who live on Ranch Road, and how dangerous of a road it is, I think it would be helpful for our traffic consultant to take a look at what has already been provided. Paula Kay – You would just need a motion for that. Chairman Lara – Okay.

Chairman Lara – Matt, do have any comments? Matt Sickler – We have some comments worked up for the

SWPP and we have started on the site plan. It doesn't appear that the results from the public comments would cause any significant changes to have to be made, so we get our review and comments wrapped up. Paula Kay – I would wait until the meeting with the neighbor is resolved in some way because I'm not sure what the sum of their concerns are. Matt Sickler – Okay. Would you like me to reach out to Mile Rielly myself and see if I can get through? Paula Kay – Sure, it can't hurt.

Jim Carnell – In regards to the emergency access road, we generally would ask that you reach out to the local fire department, which I believe would be Monticello Fire department, and provide them with a road profile. Especially because you are proposing a gate and we don't want a stacking issue to occur. Dave Higgins – Sure. We will reach out to them.

Kristin Boyd – I think we already touched on the outdoor lighting and the fact that it should be nighttime friendly, but if you could just button all of that up and make sure it won't be seen from the road, that would be great. Shawn O'Connell – We actually have a rendering of the nighttime view. Kristin Boyd – Great, it's like you read my mind. Shawn O'Connell – This is two renderings from the street view with the revised landscaping and anticipated grading; one in the day and one at night. The lights are approximately 25 feet from the ground, so way below the tree line, and should not be seen from anywhere except at the entry point to the site. Helen Budrock – Can you send those updated renderings to Laura so that she can put them in the Drive. Shawn O'Connell – Sure.

Chairman Lara – So for the record, I would like to ask the neighbor, and his team, to respond within 2 weeks from today's date, so that we have a chance to review it before the project comes back at our next meeting. Paula Kay – Dave, do you guys expect to be back by the first meeting in August? Dave Higgins – That depends on if you want to send what has already been submitted to your traffic engineer for review or wait on the additional information you have asked us to supply. Chairman Lara – I think we should wait on the truck movement plan, so the second meeting in August would probably make more sense. Dave Higgins – Okay. So, we will get everything to your traffic consultant as soon as possible so that they will hopefully have time to review and submit any comments they may have before the 2nd meeting in August. Matt Sickler – That should be enough time. Dave Higgins – Who should I send everything to? Jim Carnell – Just send it to Laura at the Planning Board email and she will forward it on. Dave Higgins – Okay and what may make sense is to also have Laura send the information to the Highway Superintendent at the same time, so that the request is coming from the Board. Michael Hoyt – I think that is a great idea. Helen Budrock – The second meeting is August 23rd and the deadline to submit for that meeting is the 15th, so would we be looking for a response on the stormwater issue with the neighbor by the 9th? Chairman Lara – That would give them more than 2 weeks, so that should be fine.

A motion to engage the town's traffic consultant was made by Michael Hoyt and second by Arthur Knapp. All in favor, 0 opposed.

ARAKS FARM – TOWN OF LIBERTY 239 REVIEW

Carr Road, Ferndale, NY

The Board had no comments.

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

Respectfully submitted,

Laura Eppers, Secretary

Town of Thompson Planning Board

DRAFT