

APPROVED DRAFT

**TOWN OF THOMPSON
PLANNING BOARD
WEDNESDAY, JANUARY 22, 2014**

IN ATTENDANCE: Chairperson Patrice Chester Lou Kiefer
Matthew Sush Absent: Melinda Meddaugh
Michael Croissant Bobby Mapes, Alternate
Logan Ottino, Building Inspector Paula Elaine Kay, Attorney
Matt Sickler, Consulting Engineer Kathleen Brawley, Secretary
Scott Mace, Town Board Liaison

Chairperson Patrice Chester called the meeting to order at 7:00 p.m.

Chairperson Patrice Chester read Supervisor Rieber's press release regarding the public scoping for China City (a copy of which is attached) and advised the audience that the scoping has been canceled and it will not be discussed further tonight. When we get more information from the Applicant, we will proceed.

Unnamed resident: Are comments sent in to the Town private or will they be sent to the applicant? Attorney Paula Kay said they will be in the file and are FOIL-able.

Unnamed resident: What is the 60 day time limit for public hearing? Attorney Paula Kay advised that it is 60 days from the date draft scope was presented. The most recent scope was dated January 8, 2014 and we believe we have 60 days from that date before the draft scoping can become the scoping document and the applicant can prepare the DEIS. It doesn't stop the applicant from preparing the DEIS but the Board has the right to make many revisions to the DEIS.

Unnamed resident: Is today the end of the comment period? Chairperson Chester advised that there is not a comment period at this time. You can certainly submit other comments. The issue is that the application may be different the next time around. If you want to submit now and submit comments later you may.

Unnamed resident: Is the scoping document that was accepted on January 8, 2014 moot or is the time still ticking? Attorney Paula Kay believes there will be changes to that scoping based on the size of the project. If the time is still ticking, the Planning will schedule a scoping for before March 8, 2014.

Attorney Paula Kay advised that the Town believes the applicant will work with us to do the right thing.

Unnamed resident: What happens on March 8, 2014? Attorney Paula Kay advised that if there is no public scoping, then the applicant's proposed document can be used to prepared a DEIS. That is all.

Chairperson Chester asked if there were any other questions and there were none. She advised the audience that China City will not be discussed the rest of the evening.

A motion for the Board to go into executive session to discuss a legal matter was made by Lou Kiefer and seconded by Matthew Sush. 4 in favor, 0 opposed.

Chairperson Chester also advised that they would like to include Supervisor Rieber in executive session. A motion to include Supervisor Rieber in the executive session was made by Lou Kiefer, seconded by Matthew Sush. 4 in favor, 0 opposed.

Motion to come out of executive session was made by Lou Kiefer, seconded by Michael Croissant. 4 in favor, 0 opposed.

The meeting was re-commenced by Chairperson Chester at 7:23 p.m.

Chairperson Chester appointed Bobby Mapes as a full member tonight in Melinda Meddaugh's absence.

A motion to accept the January 8, 2014 meeting minutes was made by Matt Sush and seconded by Michael Croissant.

5 in favor, 0 opposed.

CRESCENT LAKE - OLD LIBERTY ROAD - S/B/L: 2-1-25

Timothy Gottlieb, P.E.

Chairperson Chester advised the applicant that we have two items to discuss. With respect to the outstanding Building Permits, the Town will not give Certificates of Occupancy until the Building Permits are closed out. The second item is that the Board recommends that the additional 44 parking spaces be constructed prior to season opening, which the Board has set as June 1, 2014.

A negative declaration motion under SEQRA was made by Matthew Sush and seconded by Lou Kiefer.

5 in favor, 0 opposed.

A motion to grant the applicant site plan approval was made by Lou Kiefer, seconded by Bobby Mapes.

5 in favor, 0 opposed.

YESHIVA VIZNITZ PHASE II - GIBBER ROAD - S/B/L: 6-1-11.7

David Zigler, PLS of Atzl, Nasher & Zigler PC

Mr. Zigler was here 4 years ago on behalf of the applicant to apply for a preliminary 16 lot subdivision, including a store. Because of the construction of the store and a question of drainage, the project died. KL Housing (the applicant) will fix drainage which solves one problem. Previously, the Planning Board did not like the store at the end of the road. The applicant has changed the plan. It is still 16 lots, but all homes. No store is proposed and applicant is extending the road so that all lots are on the road. We will not be building down the hill. With respect to the drainage issue, the Town Engineer wanted proof in writing that we have the right to drain off our property, but we do not have the proof. In accordance with our meeting with the Town Engineer one month ago, we will prepare a retention pond on Gibber Road, instead of draining to the cul de sac or offsite. They have no problem with the Town Engineer's recent comments, as it was what they previously discussed. Matthew Sush questioned whether the applicant did a new long form EAF, which is required for all new applications after October 1, 2013 and Mr. Zigler confirmed that they had. Mr. Zigler indicated that the applicant would like to start SEQRA process and that they will come back before the Planning Board to answer questions and address comments of the Town Engineer. Chairperson Chester asked if the applicant wanted the Board's intent to become lead agency and the applicant confirmed that they did.

Matthew Sush questioned whether the retention pond will be under power lines. Mr. Zigler advised that it will not. It can be, but it would be easier to do it outside of power lines, since they would need to have the same monitored closely if it was within the power lines.

A motion to declare the Planning Board lead agency was made by Lou Kiefer and seconded by Matthew Sush.

5 in favor, 0 opposed.

Attorney Paula Kay advised Mr. Zigler that the way it works is that the applicant prepares the list of interested parties and then submits the same to the Town Engineer and Ms. Kay to check over. Once approved, the applicant will send out the notices.

VERIA LIFESTYLE - KUTSHER ROAD -S/B/L: 5-1-18.1

Gary Silver, Esq. and Glenn Smith, P.E.

Glenn Smith advised that he had some comments from the Town Engineer and gave his written responses to the Secretary dated January 21, 2014. Mr. Smith addressed each item:

- 1) The project SWPP was provided to Matt Sickler, P.E. but Mr. Smith will discuss with Town Engineer next week.
- 2) Landscaping plans are finished and will be provided to the Board prior to the February meeting.
- 3) The proposed long loop entrance road around te rear of the hotel site has been removed from

the current site plan.

- 4) Plans for grading of the proposed museum parking lot are done and included in the plans.
- 5) With respect to drainage patterns, we went back and located five culverts which are now shown on plan. All site drainage is directed across the road to the old Fraser swamp.
- 6) The Town Engineer asked that we show any additional lighting on the plans. The architect hasn't finished yet. The applicant will return before the Board to note additional lighting and amend the site plan.
- 7) The applicant will defer to the Building Department on whether the meditation garden needs to be handicap accessible. Mr. Smith has access regulations from the US Park Service. The Town Engineer left it up to the Planning Board to decide. Matt Sickler advised that the Park Service guidelines are pretty detailed.
- 8) With respect to the emergency access road, we can maintain a 15 foot setback and still have access.

Attorney Paula Kay noted that demolition permits have been issued, and asked if the applicant has started demolition yet. Mr. Smith advised that Holt Construction (the General Contractor) was here Monday and met with demolition contractors to obtain bids and the applicant believes something should be happening rather quickly. The asbestos survey was done, 8 of the 10 buildings which have no asbestos have demolition permits; the buildings with asbestos will have asbestos abatement and then be demolished.

Attorney Paula Kay asked if the applicant's goal is to get site plan approval and get permits right away? Mr. Smith said no, because the architects need site plan approval in order to finalize the design.

Mr. Smith advised that they will get everything in order and come back before the Board in February.

Bobby Mapes asked if the applicant is considering using any green alternatives? Mr. Smith says they have been discussing those items and considering it. Matt Sickler commented that he felt it seemed compatible with use. Mr. Smith also advised that the applicant is speaking with representatives from the Center of Discovery. The applicant has 1300 acres to grow things on.

CENTER FOR DISCOVERY - HEIDEN ROAD - S/B/L: 7-1-13.3

Glenn Smith, P.E.

At the last meeting, we had a public hearing for the solar array off Holmes Road. Applicant is appearing before the Board tonight due to the fact that when adjusting the solar panels, it was found that they need to remove additional trees, triggering a Type I SEQRA action. The Board could authorize the Notice of Intent to be Lead Agency. An EAF was previously submitted.

A motion for the Board to take SEQRA Action was made by Matthew Sush and seconded by Lou Kiefer.

5 in favor, 0 opposed

ICHUD FOUNDATION - ROUTE 42 SOUTH - S/B/L: 28-1-22

Joel Kohn and Chaim Schwartz

Mr. Kohn advised that they received a variance from ZBA and questioned if they could get Building Permits once the site plan is approved. They will get Certificate of Occupancy for the building once the sprinkler system installed, if necessary. Attorney Paula Kay advised Mr. Kohn that if sprinklers are required, they will have to show the system on the plans. Mr. Kohn wanted to know if they could amend the plans after they know what State's determination is? At Attorney Paula Kay's suggestion, an excerpt from the January 14, 2014 ZBA minutes was read which states:

"A motion to approve the applicant's request for a variance to increase density from 2.0 to 2.44 with the condition that no Building Permits may be issued until final Planning Board approval, the site plans have been stamped by the Planning Board Chairman and all fees have been paid including escrows, etc. was made by Richard Benson, seconded by Richard McClernon."

Mr. Schwartz asked if after the site plan is approved, can we go ahead? Attorney Paula Kay advised him that this is the reason they are here before the Board. Chairperson Chester advised that the issue is the sprinkler system. Why not amend the plans to reflect where sprinklers will be? You will not need to wait for the waiver from the State to get site plan approval. However, you need to operate under the assumption that you are going to use a sprinkler system. The Board will want to see where it will be on the site plan; it will be approved as if you are going with systems, if you don't need them, you can amend the plan and remove them. Attorney Paula Kay advised that they can note on the plan that the sprinklers are shown on the plan in event they are required.

Mr. Kohn thereafter confirmed that they need to show sprinkler on the plan. Chairperson Chester advised that it is a "worst case scenario". This way they don't need to wait for the State to give a waiver of the sprinkler system for site plan approval.

Mr. Schwartz advised that they are desirous of building all at once.

Attorney Paula Kay asked if they had the Town Engineer's comments and the applicants confirmed that they did. With respect to the Town Engineer's comment regarding specifically noting the approved ZBA variance on the plans, they did do so.

Attorney Paula Kay advised the applicants to make sure that the conditions discussed previously are on the plans as well.

With respect to Town Engineer's comment regarding handicapped parking spaces being noted on the plans, the applicants advised that they have noted the spaces on the parking lot plan. There is a pathway to all units for handicap access. The details will be on next plan.

With respect to Town Engineer's comment regarding landscaping, Mr. Schwartz advised that they have put trees and grass in front of all units and confirmed that this is noted on the plan.

Lou Kiefer asked if the handicapped parking will be paved and Mr. Schwartz confirmed it would.

With respect to Town Engineer's comment regarding proposed floor plans, Mr. Kohn presented the Board with the general plan. Matthew Sush asked who makes the choice of layout and Mr. Kohn advised that the units are all the same layout. The owner may want to move a wall, etc., but any changes will be presented to the Building Department.

Bobby Mapes questioned about landscaping: is there only going to be one tree? Mr. Schwartz advised there will be two trees, which are six year trees (15 foot maples). Bobby Mapes felt that may be insufficient. Mr. Schwartz advised that they cannot do too much planting, since they are planting in front of unit. Too many trees will mean too much shade. We previously tried to do bushes, but they are not here in the spring to maintain the same.

Chairperson Chester asked if the applicants can make it consistent with existing units. Mr. Kohn advised that they would, the trees are colorful, red maples and sugar maples, which are very pretty.

With respect to the Town Engineer's comments stating that the access drive on Route 42 must be completed, Mr. Kohn advised that there is a note on the plan for that.

Chairperson Chester stated that the applicants will need to return before the Board for one more meeting to make sure they are good with the citing of the sprinkler system and water supply on the plans.

Logan Ottino suggested that a sign should be noted on plan which notes which entrance is which.

The applicants confirmed that they will come back with final plans for the next meeting to address the sprinkler system and any comments from the Town Engineer. They are meeting with the State concerning the sprinkler system waiver on February 11, 2014, which is the day before the next Planning Board meeting.

COLD SPRING COTTAGES - COLD SPRING ROAD - S/B/L: 49-1-8.1 AND 8.2

Troy Wojciekofsky, P.E. of Stantec

The applicant received site plan approval for three units last year. Tonight we are looking for one more new cottage which they are referring to an "accessory personal recreational building". We want to make it clear it is a recreation building only for the use of the owner and family in Unit 44. It will include an indoor pool, gym, small office and private mikvah. The building is a little smaller than proposed (60x100 right now). The building is down the slope. Included in this application is one home which was previously approved, but the owner wanted to rotate the same. The Colony has a wastewater and sewer treatment plant. It is a straight-forward project. Landscaping was included in the plan along the parking areas as well as low level lighting (like front porch lights) as proposed last year. All details are very similar to what was approved last year. We acknowledge receipt of the Town Engineer's comments.

Chairperson Chester advised the applicant that the Board has a hard time with the definition of the building being only for the owners private use.

Mr. Wojciekofsky acknowledged that there is an issue of a sprinkler system. The applicant's architect has been in contact with the Building Department. The Building Department will decide if they are required. It all depends on whether the building goes under residential code or commercial code.

Chairperson Chester advised the applicant that the size of the building lends it to be opened up to others. The Board wants to use the commercial code to be on the safe side.

Attorney Paula Kay advised the applicant that because this building is not on a single family lot, it is part of the community and it is hard to imagine that only the owner is going to use it for private use. The Board will lean towards commercial code and requires that a sprinkler system be installed.

Mr. Wojciekofsky advised that the applicant's architect will be working with the Building Department to address the issues discussed with Logan and they should have it worked out before next meeting.

Chairperson Chester advised the applicant that the Board wants to resolve this issue before a public hearing is scheduled.

Mr. Wojciekofsky advised that the building will not be any larger. It is two and one-half stories, which is not particularly tall. The location is set. If we go with a storage tank, it will be hidden and not a visual concern as far as the Planning Board goes. It will not be an elevated tank. Attorney Paula Kay because the Board is concerned that the building will be used by more than one owner, the use will be considered not private. That issue must be ironed out prior to Public Hearing. Mr. Wojciekofsky advised the Board that the owner assures that it is for his use only. Chairperson Chester advised that this is an enforcement issue and the Board is not sure how we can prove it is being used for the public. Lou Kiefer noted that if the colony is sold, the new owners may use it for commercial, public use.

Matthew Sush advised the applicant that as far as the Board is concerned the building is for commercial use and it will be treated as such.

Mr. Wojciekofsky asked how can we please the Board and was advised that they applicant should show side walks for foot traffic to the building on the plans. If it is commercial, it will need to be handicapped accessible. Attorney Paula Kay questioned Logan if lighting requirements are different under the commercial code and Logan advised that exterior lighting is required. The State Code does not get into pathway lights as suggested by Bobby Mapes.

Mr. Wojciekofsky asked if the building is accessible by walkways, where does handicapped access go? Logan advised that all doorways, bathrooms, pathways need to be the proper size and grade.

Attorney Paula Kay advised Mr. Wojciekofsky that he should work out those issues with Logan before changing the plans significantly.

Logan Ottino advised the Board that the applicant is talking about attaching this building to an adjoining building.

Mr. Wojciekofsky advised that he sees where the Board is going with this applicant and will do what will make the Board comfortable.

Chairperson Chester advised the applicant that the intent is one thing, but the actual use is another issue. After you appear before the next Planning Board meeting, we will discuss scheduling a public hearing.

Mr. Wojciekofsky questioned if an uncoordinated review was required under SEQRA and both Attorney Paula Kay and Matthew Sush confirmed the same.

MOONLIGHT COTTAGES (UNIT 66) - RUBIN ROAD - S/B/L: 43-1-23.3

Bill Sattler, P.E. of Adler Engineering

Applicant made some slight revisions to the plan based on Town Engineer's comments. The Town Engineer thought that the shed on the plans was existing, but it is proposed. The owners, Mr. and Mrs. Isaac, just bought this unit and are trying to get it into compliance. Mr. Sattler believes that the existing addition on the building is 12 to 15 years old and was done without permits or approvals, so that addition would be part of this application. The part of deck on the plans in green would be removed and the addition put in its place plus an additional forty feet. The front deck was also built without a permit. We would like to add the front deck to this application as well and once approved, this unit will be completely in compliance with the Building Department. The applicant would like to satisfy the Board so that they can schedule a public hearing for next month.

Mr. Sattler further advised that the deck will remain a deck and not a covered porch. There will be no roof. The shed will be to store children's toys such as bicycles, etc. so that they are not all over the yard.

Attorney Paula Kay asked Mr. Sattler if he was coming with more applications from Moonlight. Mr. Sattler advised that they are hoping so. This applicant indicated that he was not waiting for anyone else to make this application and he hopes this sets an example to get other owners to follow.

Bobby Mapes asked whether the premises will be built for year-round use and whether it will need heat. Mr. Sattler advised that he designed the building for year-round use. The applicant will most likely they will install air conditioning (central air) so if they want to add heat in the future, it will not be difficult. The applicant may use the building for more than two months a year if it is built substantially.

Chairperson Chester asked for a motion for negative declaration motion under SEQRA and a motion was made by Matthew Sush and seconded by Lou Kiefer.

5 in favor, 0 opposed.

A motion for Site Plan approval was made by Lou Kiefer and seconded by Matthew Sush.

5 in favor, 0 opposed.

A motion to adjourn the meeting at 8:17 p.m. was made by Lou Kiefer and seconded by Matthew Sush.

Respectfully submitted,


Kathleen Brawley
Planning Board Secretary