

A motion to accept the March 26, 2014 meeting minutes was made by Matthew Sush and seconded by Michael Croissant
3 in favor, 0 opposed

LEVI, JOSEPH AND KELLY - ROBERT LANE - S/B/L: 50-1-51.2 and 51.3

Joseph Levi

Attorney Paula Kay reminded the Board that we discussed this application in our work session at the March 26, 2014 meeting as it was not placed on the agenda.

Town Engineer McGoey advised the Board that there is no problem with this lot consolidation.

Acting Chairperson Kiefer asked for a motion for negative declaration motion under SEQRA and a motion was made by Matthew Sush and seconded by Michael Croissant.
3 in favor, 0 opposed.

A motion for approval of the application was made by Matthew Sush and seconded by Michael Croissant.
3 in favor, 0 opposed.

Town Engineer McGoey advised Mr. Levi to get the mylars signed by the Chairperson of the Planning Board.

BIRCHWOOD ESTATES - Sackett Lake Road – S/B/L: 56-1-46.1

Glenn Smith, PE

Mr. Smith advised the Board that basically, what the applicant is submitting tonight is an “as built” plan. Homes noted in yellow on the site plan are under construction. There are seven homes noted in red on the site plan which are different than what was on the approved site plan which was approved in October 2013. The decks were on right of these seven homes; now they are shifted to different locations on the homes. Most decks are 12'x24'. The Building Department asked the applicant to come before the Board to amend the site plan.

Logan Ottino asked if the pools were added to the amended site plan. Mr. Smith confirmed they were and that the applicant got their permits today for the pools. Mr. Smith also advised that the filter building was 15x15 on the approved plan. The actual building is 12x16 which is smaller. Acting Chairperson Kiefer also noted that the wading pool was changed and Mr. Smith confirmed that this has been reflected on the plan.

Logan Ottino asked if the deck on Unit #1 (on the corner) was listed on the plan and Mr. Smith confirmed that is was. Mr. Smith advised that the reason for the minor changes is that as the

applicant sells the units, the buyers make little changes. Mr. Smith also advised that all units have been sold.

Matthew Sush noted that on Unit 55, it looks like the building itself is a little different. Mr. Smith advised that the building size stayed same; the applicant just changed the deck size and location.

The Board had no further comments.

Acting Chairperson Kiefer asked for a motion for negative declaration motion under SEQRA and a motion was made by Matthew Sush and seconded by Michael Croissant.
3 in favor, 0 opposed.

A motion for approval of a modification of the previously approved site plan was made by Matthew Sush and seconded by Michael Croissant.
3 in favor, 0 opposed.

THOMPSON STATION - ROUTE 42 N - S/B/L: 13-3-40.1

John Cappello, Esq., Steve Alex, Chazen Companies
John Kerekes, representing Home Depot

Mr. Alex advised that the plans submitted tonight are revised from last set reviewed by the Town Engineer, which address recent comments made by the Town Engineer. They further added the approved variances to the plans as well. With respect to additional access, Home Depot would prefer that the first access point be towards the front of their lot and not in the rear near their loading dock. We propose an easement through the wall near Town Hall, as they believe that is the best location for that easement. The easement would be anywhere along that line once it is coordinated.

Town Engineer McGoey asked whether the easement will be granted to the Town or the adjoiner and Mr. Cappello stated that Home Depot offered to give the easement to the Town and then the Town can assign it to whomever they choose. Mr. Cappello noted that they believe the location noted is the best. It would be less construction for everyone. It would also allow flexibility for the Town to pin down the location of the easement when the specific development eventually comes in.

Mr. Alex advised that the second access point would be in the rear of the east side of the property and again, the Town would be the granted this easement and a metes and bounds description will be provided. With respect to the premises owned by Rayhar LL, we provided an additional easement over that property since it is the best location for safety issues and causes less disruption to the rear of the plaza for loading zones, parking, etc. We would prefer that the easement be located there. Town Engineer McGoey would like the easement to be shifted to avoid the utility pole, as there are a lot of transformers on that pole. It should be moved so they can get a 24 foot access road. Town Engineer McGoey also directed that the right of way be 60 feet wide to ensure access.

Mr. Alex further advised that connectivity to sewer and water are behind theater; those are currently Town utilities and the Town has easements for the same. The applicant has no issue with the Golden Ridge project connecting there, however, they want clarification as to what construction easements Golden Ridge might need and more specifically, how wide, where and to what extent. Mr. Cappello asked if the easements are recorded? If so, there is nothing the applicant would need to do. Town Engineer McGoey does not know if they are recorded. Mr. Alex will provide copies of the existing easements to the Board, as there are multiple easements on that part of the property. Town Engineer McGoey asked Mr. Alex to get him copies of all easements noted on the site plan.

Mr. Alex further advised that they added notes for the variances we received from the Zoning Board of Appeals, to wit: 1) granting a reduced side yard setback for Staples building from 35 feet to 3.7 feet; 2) granting a reduced side yard setback for existing bank building from 35 feet to 18.6 feet; 3) granting a reduced side yard setback for existing theater building from 35 feet to 28.5 feet; and 4) granting an overall variance for proposed Lot 2 for reduced combined side yard setbacks from 70 feet to 32.2 feet.

Town Engineer McGoey asked the applicants representatives how they propose to handle the right to improve the access road? Mr. Cappello suggested that they prepare a cover page to the site plan modifying who the new parties are and he will forward the same to the Town Engineer. There will be an agreement which will deal with parking, widening the lanes, etc. Conceptually, the attorneys for the respective parties all consent to the proposed agreement and they are trying to avoid making a huge agreement. Mr. Cappello advised that he will get these documents to the Town Engineer.

Town Engineer McGoey asked about the cross-easements for maintenance of drainage and sewer? Mr. Cappello advised that they are all in place and they just need an agreement setting forth the two new owners.

Matthew Sush noted that the concrete in front of the stores on the theater side is breaking down due to salt used in the winter months. Logan Ottino further noted that there is a big sinkhole by the mailbox. Mr. Alex asked if these items are building code issues? Ms. Ottino said that walking paths are a building code issue. Mr. Cappello said he will discuss these issues with the mall owner and see what their plans are. As the Board is aware, part of the reason we are doing this is to straighten out the financing. We are kind of limited as to what can get done right now. Mr. Cappello will get answers as to what the mall owners can or plan on doing and when. Mr. Alex advised the Board that he will get the Board an answer before the next meeting.

Mr. Alex asked if there anything more the Board is expecting the applicant to do about the access on the Rayhar LLC property and more specifically, the 60 foot wide right of way. Town Engineer McGoey noted that the Town may need that easement for Golden Ridge to make improvements and that is why they need some construction easements. Mr. Cappello advised that he will draft something up giving the easement to the Town and then the Town can assign it to whomever. It will include a temporary construction access route.

Acting Chairperson Kiefer asked for a motion to schedule this matter for a public hearing on April 23, 2014 and a motion was made by Matthew Sush and seconded by Michael Croissant. 3 in favor, 0 opposed.

Attorney Paula Kay advised the Board that although we do not normally act on items the night of a public hearing, because this is the applicant's second public hearing, we may be able to act that night, so long as there are no comments from the public, etc.

4437 ROUTE 42 LLC BAKERY - 4437 Route 42 - S/B/L: 13-2-4
Timothy Gottlieb, P.E.

Town Engineer McGoey advised Mr. Gottlieb that the Board wants to know what this building is going to look like. Mr. Gottlieb advised that they are installing double doors, removing the canopy and painting the structure. Michael Croissant advised Mr. Gottlieb that the Board would like to see it a little better than what it is proposed. Mr. Gottlieb advised that there are brick columns and wood siding. The applicant could put siding on the building but that tends to look dirty. Acting Chairperson Kiefer noted that if the applicant put shrubs in front of the building, perhaps that would help. Mr. Croissant asked if there is any more room for landscaping? He does recognize that there is very little space to work with. Town Engineer McGoey suggested that the applicant can do more in the side lot, maybe plant some shade trees, not just shrubs. Perhaps some flowering trees such as Bradford pear trees. Mr. Croissant asked if the applicant could do anything with the island in front and Mr. Gottlieb advised that it is the State's property? Attorney Paula Kay suggested that the applicant approach the State to give the applicant the right to pull out the weeds and do something nice on the island. Mr. Gottlieb advised that the applicant's problem is that they need to close on the premises very quickly. If they have to stay in their present location, they will lose substantial funds. Mr. Croissant advised that the applicant should have come before the Board sooner. Mr. Gottlieb advised that unfortunately, the transaction came up very quick. Attorney Paula Kay asked what the applicant needs need to close and Mr. Gottlieb advised that the applicant needs a conditional approval. Attorney Paula Kay advised that the Board can do that, with the provision that the applicant has to come back before the Board to finalize details.

Michael Croissant asked Mr. Gottlieb about prohibiting left hand turns out of the premises. Mr. Gottlieb advised that we can put signs up, but patrons will do it anyway. Town Engineer McGoey advised that we will require "no left hand turn" signs and stop signs at both entrances.

Matthew Sush asked if the applicant will be using both signs on the premises and Mr. Gottlieb advised that they will be using both.

Michael Croissant noted that he thinks it is really important that they address the State owned island. Town Engineer McGoey noted that if the applicant keeps trees, etc. in the center of the island, it should not prohibit visibility, especially because they are not permitting making left-hand turns out of the premises.

Mr. Gottlieb will ask the architect to provide a color scheme for the Board's review.

Acting Chairperson Kiefer asked for a motion for negative declaration motion under SEQRA and a motion was made by Matthew Sush and seconded by Michael Croissant.
3 in favor, 0 opposed.

A motion for site plan approval conditioned upon the Board's review of the items noted above was made by Matthew Sush and seconded by Michael Croissant.
3 in favor, 0 opposed.

Acting Chairperson Kiefer asked Mr. Gottlieb to please have the applicant make the drawing look like something and really show the way the building is going to look.

WHALAN AUTO SALES - 48 Kitz Road - S/B/L: 17-1-56

John Galligan, L.S.

Mr. Galligan advised the Board that the reason the applicant is before this Board is that the Building Department just did an inspection on the premises. Originally, the site plan on record showed that the applicant could park 24 vehicles on the site for sale. It was observed by the Building Department that the applicant had approximately 60 cars on the lot. The Building Department further went through the approvals previously given to the applicant. There were significant items missing, such as electrical sign-off on the garage and the carport did not have a permit and is not approved. Logan Ottino confirmed these were the main issues.

Mr. Galligan further advised that the applicant proposes a revised site plan which allows for a total of 64 cars on the lot, which is how the applicant has operated for the last ten years. The Building Department thought that the site plan did not show the brush row between Whalan and the adjoiner, Nastro, however, there is quite a large brush row between the two properties. Town Engineer McGoey suggested that a note be placed on the plan that existing vegetation will not be removed. Acting Chairperson Kiefer asked about screenage between Cooper Arias CPA and the subject premises. Mr. Galligan advised that the accountant's building it is quite a way away from the property, however, a note will be put on plan that all vegetation will not be removed and will be maintained.

Town Engineer McGoey asked if the applicant has any room for landscaping? Michael Croissant noted that it was mostly State land and in any event, there is a big dip down to the site.

Town Engineer McGoey asked that a note be placed on the plan that there will be no towing and no rental cars. Mr. Galligan advised that this is not a problem, as the applicant does not provide those services.

Town Engineer McGoey advised that the cars need to be removed from the State's right of way and Mr. Galligan confirmed that the applicant will do this.

Town Engineer McGoey suggested that a no parking/handicapped parking sign be put in the selected handicapped spot and Mr. Galligan confirmed this would be done.

Town Engineer McGoey suggested that we just note that the carport will be removed before final revised site plan is signed. Michael Croissant asked if the carport is not affixed or a permanent structure, why is it an issue? Logan Ottino advised because the carport is closer to the road than the main structure.

Attorney Paula Kay advised Mr. Galligan that the Board really appreciates the applicant coming in and doing the right thing. It really helps.

Acting Chairman Kiefer asked if we needed a public hearing and Attorney Paula Kay advised we do not, as it is an existing use.

Acting Chairperson Kiefer asked for a motion for negative declaration motion under SEQRA and a motion was made by Matthew Sush and seconded by Michael Croissant.
3 in favor, 0 opposed.

A motion for amended site plan approval subject to the conditions noted above was made by Matthew Sush and seconded by Michael Croissant.
3 in favor, 0 opposed.

MOONLIGHT COTTAGES - Units 30, 31 and 57 - S/B/L: 43.-1-23.3

No appearance by applicant. Logan Ottino advised the Board that the applicant's attorney had an accident on a job site and would be unable to attend tonight's meeting.

Attorney Paula Kay advised the Board that we need a motion to deny all of the applicants noted above and send them to the Zoning Board of Appeals and a motion was made by Michael Croissant and seconded by Matthew Sush.
3 in favor, 0 opposed.

A motion to adjourn the meeting at 7:50 p.m. was made by Michael Croissant and seconded by Matthew Sush.
3 in favor, 0 opposed.

Respectfully submitted,

Kathleen Brawley, Secretary
Town of Thompson Planning Board