

APPROVED

**TOWN OF THOMPSON
PLANNING BOARD
WEDNESDAY, JUNE 11, 2014**

IN ATTENDANCE: Chairperson Patrice Chester Lou Kiefer
 Michael Croissant Melinda Meddaugh
 Matthew Sush Bobby Mapes (alternate)
 James Barnicle (alternate) Kathleen Brawley, Secretary
 Paula Elaine Kay, Attorney Richard McGoey, Consulting Engineer

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

A motion to accept the May 28, 2014 meeting minutes was made by Lou Kiefer and seconded by Melinda Meddaugh
5 in favor, 0 opposed

EPR/ADELAAR - Joyland Road - S/B/L: 23-2-3, et al

George C.D. Duke, Esq. of Brown Sharlow Duke & Fogel, P.C
Nathan Tuttle, Architect from JCJ Architecture

Mr. Duke advised the Board that the applicant is seeking final approval of the minor amendment to their previously approved site plan. Since we last met with the Planning Board, we met the Town Board and upon the referral of the Planning Board to the Town Board that there are no potentially significant environmental impacts which have not been previously reviewed and approved, on June 3, 2014 the Town Board reviewed the Planning Board's recommendation, made their own findings and issued their own Negative Declaration and made their own determination that no new environmental impacts will be created by this amendment.

Attorney Paula Kay advised that a proposed Resolution was provided to the Board members earlier today and copies were provided to them tonight. Ms. Kay further confirmed that the Board did send this to the County of Sullivan for review under §239 of the General Municipal Law. Mr. Duke confirmed that they submitted a full statement (which is memorialized in the Resolution being presented this evening). The County issued its determination on May 28, 2014. The County did not make a recommendation to deny or approve our amendment. They did raise a few issues they wanted clarification on. The first issue was a technical difference (=concerning the number of rooms. We are adding 8 more floors. We currently have approval for 9 floors. We are increasing the number of rooms from 248 to 395 and adding one level to the parking garage below. The Technical Memo and all the review done by our consultants and the Town's consultants fully addressed this Board's comments and concerns.

The other 2 comments made by the County were in connection with the spire. Nathan Tuttle came forward with photos. Mr. Tuttle advised the Board that the building height is well under both the zoning code height limit (350 feet) as well as the restrictive height restrictions for the zone of 250 feet, which is in the comprehensive development plan. The County questioned the spire, which is a 44 foot wedge on top of the hotel. Mr. Tuttle showed the Board drawings of the front of the

proposed building and the location of the spire. Mr. Tuttle advised that calling it a spire is kind of a misnomer. It is not occupied. James Barnicle asked what is the height of the highest occupied floor and Mr. Tuttle advised 206 feet and the spire is 250 feet. Attorney Paula Kay advised that when the Town Board did the environmental review and adopted the FEIS, the proposed height of the building was taller than this.

Chairperson Chester advised that the comments of this Board are made to be sure that we are aware of the visual impacts of the additional floors. Mr. Duke advised that what the Board sees is what was proposed. Mr. Tuttle showed drawings of the visual aspects. Mr. Tuttle advised that in accordance with the DEC guidance document, the applicant looked at three other visual perspectives to analyze from Route 17 and to show what will actually be seen and diagramming was shown. The first view is a mile from the site, second 1.3 miles from the site and third 1.6 miles from the site. They further diagrammed the tree canopy along Route 17; we showed some transparency just so you can see it in relation to the building. The spire is well below the tree canopy and the second and third views have the same view.

Attorney Paula Kay advised that Supervisor Rieber noted at the last Town Board meeting that one of the most attractive buildings in Sullivan County will not even be visible from Route 17.

Mr. Duke advised that obviously, in the drawings, the trees have leaves on them. But even without the leaves you will not be able to see the building from Route 17 due to the density of the trees.

Mr. Duke advised that the last comment from County was that they would like to see a depiction of what the building will look like at night and the light emanating from it. There are lighting design standards in the approved site plan, but there are also lighting design standards in the development plan which are specific to where the hotel is located. Mr. Tuttle showed drawings of what the building will look like at night time in an evening environment; he showed another drawing of the lower, smaller approved hotel visual as well. The tower is the differentiating factor. All light is washing off of the building. Fixtures will be placed in very specific areas. Mr. Tuttle showed drawings of different views, all showing the approved smaller building versus the larger proposed tower again.

Attorney Paula Kay asked if Town Engineer McGoey had any changes to the proposed Resolution? Mr. McGoey advised that utility plans should be mentioned in resolution and included in the final approved site plan. Mr. McGoey also asked that reference to comments dated July 10, 2013 be removed because there were comments after that. Mr. McGoey also asked that they remove the language from the Resolution which states that the Planning Board determines that there are no more comments because there will be more comments. Mr. Duke advised that there are 8 or 9 more utility sheet plans that will be incorporated into the site plan.

Mr. Duke further advised the Board that the Town Board maintained Lead Agency status, as they are awaiting further approvals and they have issued their negative declaration. From a procedural standpoint this Board is all set.

Chairperson Chester advised Mr. Duke that the Planning Board members may have comments to the proposed Resolution and if there are any, we will give them to Attorney Paula Kay first thing tomorrow morning.

A motion to adopt the Resolution of approval for the minor amendment to the previously approved site plan was made by Lou Kiefer and seconded by Matthew Sush.
5 in favor; 0 opposed.

THOMPSON LEARNING CENTER (f/k/a China City) - Wild Turnpike - S/B/L: 26-1-6

Jacob Billig, Esq., Vince Pietrzak, P.E. and Tom Shepstone

Mr. Billig advised that when they were last before the Board, procedurally, the Planning Board had declared themselves Lead Agency and no other agency was interested in being lead Agent, although the DEC gave us some issues. The Planning Board then voted to do a positive declaration under SEQRA, so we had to do an environmental impact statement. We then drafted a scoping document which covers the outline of the environmental impact statement and made it public months before it was required to be. We put it on the Town's website. We are not required to put the scoping document out to the public but the Board decided to put it there. The Board thereafter scheduled a scoping session. We posted in the newspaper when the session was to occur. Twenty four hours before that scoping session was to take place, an alleged issue was raised in a newspaper article that there would be some activity in the Town of Mamakating. Mr. Billig wanted to confirm that this project never had any Mamakating ties and nothing was proposed. Further, we do not attest to the factual accuracy of the article in question. The Town was concerned since that article raised issues about segregation. We thereafter decided to not have any ownership in Mamakating property and we provided documents to the Town proving the same. Attorney Paula Kay confirmed that there are letters from the applicant and the owner of the Mamakating parcels that any interest this project may have had in the Mamakating parcels is extinguished. Mr. Billig further advised that during that period of time, we kept working with the intention of picking up where we left off. We know we have to take a closer look at Harland swamp, roads, endangered species, water/sewer issues.

Mr. Billig advised that they are here tonight to say we have nothing to do with Mamakating piece. We want to conduct a scoping session so we can prepare an outline and prepare the environmental impact statement. We want to give the public time to comment on that statement. We know this Board will want to hire traffic consultants, etc. We want to engage in the process so we can see what the issues are so we can work through them and SEQRA. We still think we should go to the public, although it is not required.

Attorney Paula Kay advised Mr. Billig that the Board had discussion about this application and that there are a couple of issues that our consultant, Robert Geneslaw, will discuss. One question is where are we procedurally in the process? If the lead agency issue is determined and the Board wants to move forward, do you want to deal with the density issue before we move forward to the scoping session?

Robert Geneslaw advised that considering Mr. Billig's background description, which is useful, his

feeling is that this should be treated as a new application. The Board would be better protected if we consider it a new application, especially with the prior segregation issues. There have been a lot of comments on that issue.

Chairperson Chester asked Mr. Billig what the downside would be to doing a new application? Mr. Billig advised that he does not agree that there are a lot comments on segmentation. The project had some potential ownership interest in the Town of Mamakating. Comments have been raised that the DEC should be lead agent, but the DEC did not step forward. We never had any plans for Mamakating. Now we have confirmation that there is no ownership interest in Mamakating. What segmentation issue could be raised? Not to concede anything, I really believe this is pretty clear. If there was some type of ownership interest, I may argue it is speculation. But here, there is no interest in the property.

Chairperson Chester asked Mr. Billig again, what is the downside of doing a new application? You did not answer? Mr. Billig advised that we took the old form and revised it to reflect that there is no more property involved in the Town of Mamakating. We were ready to go to have this scoped so we can start working on the EIS. Sort of at the last second, the segregation issue was raised by the Town. We respected that decision. We no longer have any interest in Mamakating.

Chairperson Chester advised Mr. Billig that from the Board's perspective, our consultant said we would be better protected to start a new application. How does it impact you negatively? Melinda Meddaugh advised that there was an issue with density on the prior application and that it also contained incorrect tax map numbers. Mr. Geneslaw stated that he will not disagree with Mr. Billig, but I believe it would be preferable to start with a clean slate. Chairperson Chester asked how that impacts the applicant. Tom Shepstone advised that it significantly delays our project. Mr. Billig advised that the issue started twenty four hours before the scoping session and he does not see how we are not exactly where we were when this happened just before the scoping session.

Chairperson Chester advised that her preference is to listen to our consultant. If it protects the Board and makes it clean and protects the Town, then that is what the Board wants to do. Mr. Billig advised that if there is any issue with segmentation, the developer would have to defend the town. Attorney Paula Kay advised that the developer may take the lead, but we are still in it together. Mr. Billig asked when the next workshop meeting is and Mr. McGoey advised June 18, 2014 at 1:00 p.m. Mr. Billig asked if we resolve it then, can we appear before the Board on the 25th? Attorney Paula Kay advised that they may be able to appear.

Mr. Billig advised the Board that on a separate note, with respect to Trading Cove, he just wanted to thank the Board for its time spent all of these years. They are sorry it worked out the way it did and wish the rest of the applicants good luck and sincerely hope it works out for the Town.

BIRCHWOOD ESTATES - SACKETT LAKE ROAD - S/B/L: 56-1-46.1

Glenn Smith, P.E. and Jay Zeiger, Esq.

Mr. Smith advised that the applicant made some minor site plan modifications and presented the revised plan, with changes being indicated in red. They want to change the handball and tennis court orientations due to sun glare. Unit 49 which was on approved plans will be eliminated. It was proposed to be built next to a parking lot and the applicant wants to make the lot larger. They also want to add a gazebo in the area previously set aside for unit 49.

Matthew Sush asked if a guardrail will be installed in the parking lot and Mr. Smith advised that there is a fence, but a guardrail will be installed.

Mr. Smith provided plans to the Board of the Amish Gazebo to be installed. Mr. Smith also advised that with respect to the new pool which is under construction, the applicant wants to move the location of the wading pool. They also want to move the filter building, which will be a little smaller than what was approved. With respect to the refuse compactor, it was approved to be located by water works building. However, the applicant is buying adjacent parcels on Sackett Lake Road and they want to move the compactor to the new lots to have it closer to Sackett Lake Road and to avoid a garbage truck driving through the development. They wanted a driveway to the compactor, but the Board denied it. Town Engineer McGoey asked how the residents get to compactor and Mr. Smith advised that maintenance employees come and take refuse from each home.

Bobby Mapes asked what if the weight load on the gazebo is strong enough for the amount of people they expect to use it and Mr. Smith advised that the plans are stamped by an engineer and the gazebo has a 7.5' span which will carry a lot of weight. But he will check on that.

Mr. Smith further advised that where the compactor was proposed to be located, the applicant wants to put a second gazebo in that location. He is not sure if there is a maximum capacity of gazebos on a site. Bobby Mapes stated that he is asking about the weight load of the gazebo because it is on piers. Mr. Smith advised that the space under the gazebo is a foot or two at the most and it is only 7 feet wide. Attorney Paula Kay advised that perhaps the construction of these gazebos is similar to playground equipment, as there is different standards for commercial versus residential construction. Ms. Kay asked Mr. Smith if the gazebo rated for commercial or residential use? Town Engineer McGoey advised the Board that the Building Department will review the plans and ensure it is safe as well. Jim Barnicle asked if we could get a certificate from the applicant's insurance company that it is up to standard? Mr. Smith advised that every permit submitted is required to provide proof of insurance.

Mr. Smith advised that the new pool under construction is a lot lower in elevation and people can look into the pool. The applicants want to install an 8 foot fence which may be subject to a ZBA variance or Planning Board waiver. Attorney Paula Kay advised that she will check to see what they can do, as she believes that this Board may have waived before and if we have done it before, then we can do it again and avoid sending the applicant to the ZBA. She will look into it. Mr. Smith advised that they want to do a stained cedar fence which will blend in. Town Engineer McGoey reminded Mr. Smith that the applicants should not take any trees down. Mr. Smith advised that the

applicants are going to plant screen trees, especially with the new pool being installed. Melinda Meddaugh asked what the fence will look like and Mr. Smith provided a drawing of the same. Chairperson Chester asked how does the Board ensure that the fence we want is the fence that is built? Mr. Smith advised that he will put it on the plan with specificity.

Melinda Meddaugh asked if the applicants are putting the compactor on the new lot they are purchasing, are they going to combine lots? Chairperson Chester asked if the applicants can put a compactor on a separate lot and Attorney Paula Kay advised it could not be and the lots would have to be combined. Ms. Kay advised that the assessor has a new form you need to get for the lot consolidation and that Mr. Smith or Mr. Zeiger should go meet with the assessor and then come back before this Board. The Planning Board has to approve the consolidation and sign it. Jay Zeiger, Esq., advised that Anthony Siciliano will amend the map to include the new lot becoming part of the common property.

Chairperson Chester reminded Mr. Smith and Mr. Zeiger that there is to be no disturbance or removal of vegetation surrounding the compactor.

Chairperson Chester asked for a motion for negative declaration motion under SEQRA and a motion was made by Matthew Sush and seconded by Melinda Meddaugh.
5 in favor, 0 opposed.

A motion for approval of the modification of the previously approved site plan, subject to the lot consolidation, was made by Lou Kiefer and seconded by Matthew Sush.
5 in favor, 0 opposed.

IROQUOIS SPRINGS - BOWERS ROAD - S/B/L: 33-1-1.1

Glenn Smith, P.E.

Mr. Smith showed the Board an aerial photo of the camp. The applicants would like to add a staff house. There are three there now and he wants to align this proposed building with the existing staff houses. We need a variance for setbacks, so we need go to the ZBA. There is a utility pole behind the proposed building and we will go as close to the pole as possible.

Melinda Meddaugh had one comment: on the hill up to the camp, the site distance is limited, there are golf cars on the road, etc. If there is any way to make a path to force people to walk along the fence rather than on the road that would be a good idea for safety reasons. Sometimes larger groups are walking along and she is concerned. Perhaps a dirt walk path would be a good idea. Attorney Paula Kay advised that this issue is not usually regular campers, but visitors to the camp.

Chairperson Chester asked for a motion denying the application and referring the same to the ZBA and a motion was made by Matthew Sush and seconded by Melinda Meddaugh.
5 in favor, 0 opposed.

RNR HOUSING - PITTALUGA DRIVE - S/B/L: 12-1-21.1/23.1

Glenn Smith, P.E. and Michael Baum

Mr. Smith advised that final site plan approval was previously given for 120 mobile homes with three separate roads, but because we are limited to 2 extensions, we went to a preliminary site plan. This Board gave the applicants a one year extension last year. The applicants sent out requests for proposals from contractors to build the roads and stormwater basins and the quotes received were around \$250,000.00. The applicants also got an estimate to just construct the first 1000 feet from Pittaluga Road, which was approximately \$90,000.00. Mr. Baum said they would put up an escrow to cover the work, whatever to do get the extension. Chairperson Chester advised that the Board would rather you NOT do the work. Mr. Smith advised that the County just acquired a parcel near the premises which will be used as part of the new jail site, although we are not sure how it would affect this premises. Chairperson Chester asked if the applicants though having a jail across from the site would be bad and Mr. Smith advised that it is more because they would bring water and sewer, which opens other options to the County. Chairperson Chester advised that the Board has no problem with an extension. Town Engineer McGoey advised that we previously we gave a six month extension. Michael Baum thanked board for working with im.

Melinda Meddaugh reminded the applicants about visibility, landscaping, etc. Mr. Smith advised that there are a few people who live on that road and it is a dead end road which has no visibility from Old Liberty Road. There is a lot of vegetation on the site that has to remain because of wetland issues. The applicants have previously installed wells. Ms. Meddaugh also noted that if there are signs installed, she'll want to see landscaping around the same.

Chairperson Chester asked for a motion for a six-month extension of the preliminary site plan and a motion was made by Lou Kiefer and seconded by Michael Croissant.
5 in favor, 0 opposed.

MONTICELLO RESORTS - 171 KAUFMAN ROAD - S/B/L: 12-1-5.1

Jay Zeiger, Esq. and Ari Kornbluh

Mr. Zeiger showed the Board a site plan for property; which is in the midst of construction. The buildings will be owned as a condo association. As part of the site plan approval, there is an approval to build an camp house building, but it will not be constructed until the fall. Chairperson Chester asked what a camp house building is? Mr. Zeiger advised that it will be used for study/activity building for older children and younger children will do arts and crafts, etc. in the building. Lou Kiefer asked about the location of the shul and Mr. Zeiger showed the location of the same on the site plan. Mr. Zeiger advised that in the interim, they are looking to put up a temporary classroom for approximately 20 children. The existing facilities cannot handle the number of children they have on site. There is a trailer on site. Mr. Kornbluh confirmed that the trailer is an office trailer and not being used for a classroom. It was moved from a different location on the site. Town Engineer McGoey asked if a building permit was ever obtained for it and Mr. Kornbluh advised that no permit was obtained. Chairperson Chester asked where will the new proposed trailer come from? Mr. Kornbluh advised Dependable. Attorney Paula Kay asked Mr. Kornbluh what the

purpose of the trailer which the Town Engineer noted is on the site is presently and Mr. Kornbluh advised it is an office for construction. Town Engineer McGoey advised that it is not on the site plan. Lou Kiefer asked if the trailer has tires on it and Mr. Kornbluh advised that it does, but there is no plumbing. Town Engineer McGoey noted that there is underground electric service to it, which needed Building Department approval. Mr. Kornbluh showed the location on plan where he claimed the trailer was for many years. Mr. Kiefer noted that there was a trailer behind the shul. Mr. Kornbluh advised that it is not hooked up and will be removed off the site. It is there for storage for the construction. Town Engineer McGoey feels they need permits and if they are running electric, it needs an electrical inspection.

Chairperson Chester asked Mr. Zeiger to confirm that the proposed trailer is not on the site yet and Mr. Zeiger confirmed that was correct. Mr. Zeiger advised that the first page of the plans submitted depict how the trailer will be set up. It will accommodate 20 children. It is approximately 700 square feet or a maximum of 30 people. Town Engineer McGoey advised that occupancy is a Building Department issue. Mr. Zeiger confirmed that the trailer is slightly less than 700 feet.

Town Engineer McGoey further advised that we will need to discuss handicap accessibility to the proposed trailer. James Barnicle asked if the trailer was only going to be used for kids in this camp and Mr. Zeiger confirmed that it was. Mr. Barnicle asked if there are more than 30 kids on the site and Mr. Kornbluh advised that there are more children on the site, but there are other classrooms on site. This is just to cover overflow.

Attorney Paula Kay advised that safety is the prime concern of this Board and the Town Board. This Board must ensure that the trailer is handicap accessible. Mr. Zeiger advised that issue was not previously mentioned and would that be part of the Building Department application? Of course, if that is a condition to approval, we will satisfy it.

Chairperson Chester asked how can the Board deal with the construction trailer that is there now and Mr. Zeiger advised that the applicant will agree to get a permit for that. Attorney Paula Kay advised that the Town has new fines for commercial properties caught building without a permit of \$1,000.00 per instance. When the applicant applies for the building permit, you will have to pay the fine. Chairperson Chester advised the applicant that the Board is letting you know what the consequences are.

Melinda Meddaugh asked how long will the temporary trailer be used? Mr. Zeiger advised just for this summer. We will install it as soon as we get approval and remove in September 2014. Attorney Paula Kay advised that we will set a date of removal by September 30, 2014. Town Engineer McGoey advised that we may want to consider a removal bond, so if the applicants do not move it, the Town can. Mr. Zeiger suggested that he get a letter from Dependable, who is installing, renting and removing the trailer, stating that they will ensure it is removed. We can work on a final number for the bond. Attorney Paula Kay advised that we may not ask for a bond; it can be a cash escrow. Melinda Meddaugh advised that it is roughly \$3,000.00 to install/remove a trailer and Mr. Zeiger advised that this was a very accurate amount and removal of the trailer should be about half of that. Attorney Paula Kay advised that any bond amount will be determined by the Town Engineer.

Melinda Meddaugh asked Town Engineer McGoey if he saw anything else of concern on site and Mr. McGoey advised he did not.

Town Engineer McGoey advised Mr. Zeiger to get the Board a letter from Dependable and we will work on the amount of the bond to ensure removal of the trailer.

Chairperson Chester asked for a motion for negative declaration motion under SEQRA and a motion was made by Lou Kiefer and seconded by Matthew Sush.
5 in favor, 0 opposed.

Chairperson Chester asked for a motion to approve use of the trailer for a temporary classroom with the following conditions: that the trailer is removed by September 30, 2014, that the trailer is handicap accessible, that the applicants get a building permit for the trailer and security is deposited with the Town in an amount to be determined by the Town Engineer for the removal of the same, and a motion was made by Lou Kiefer and seconded by Michael Croissant.
5 in favor, 0 opposed.

A motion to adjourn the meeting at 8:14 p.m. was made by Michael Croissant and seconded by Matthew Sush.
5 in favor, 0 opposed.

Respectfully submitted,


Kathleen Brawley, Secretary
Town of Thompson Planning Board