

APPROVED

**TOWN OF THOMPSON
PLANNING BOARD
WEDNESDAY, December 10, 2014**

IN ATTENDANCE: Lou Kiefer
Melinda Meddaugh
Bobby Mapes (alternate)
Paula Elaine Kay, Attorney

Matthew Sush
Michael Croissant
Kathleen Brawley, Secretary
Richard McGoey, Consulting Engineer

ABSENT: Chairperson Patrice Chester and Jim Barnicle (alternate)

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

A motion to accept the November 22, 2014 meeting minutes was made by Lou Kiefer and seconded by Matthew Sush
5 in favor, 0 opposed

PUBLIC HEARING

11 FAIRGROUND, INC. - 2 Fairground Road - S/B/L: 30-1-1 and 30-1-2.2

Tim Gottlieb, P.E.

Acting Chairperson Kiefer read the public notice.

Proof of mailing was submitted to the Secretary.

Mr. Gottlieb advised that the applicant is proposing a modification to their site plan to add outdoor storage. It is an existing plumbing supply building that goes with the building across the street. A road dedication will be required. The landscaping plan is not shown on the plan, as the surveyor is working on it. Town Engineer McGoey advised that Mr. Gottlieb should install the landscaping before the road is dedicated so the landscaping is not located in the County's right of way.

Acting Chairman Lou Kiefer questioned if the landscaping was agreed on previously? Town Engineer McGoey advised that the applicant can use the prior plan for landscaping. Melinda Meddaugh commented that she thought they were going to make some changes to their landscaping plan. Attorney Paula Kay advised that the applicant has a lot of work to do on the landscaping.

There was no public comment.

A motion to close the public hearing was made by Matthew Sush and seconded by Michael Croissant.
4 in favor; 0 opposed.

Town Engineer McGoey asked Mr. Gottlieb if the applicant cleaned up the scrap metal on the site and Mr. Gottlieb said he would check into it. Bobby Mapes advised that the applicant has done a lot of clean up on the site.

A motion to approve the November 12, 2014 meeting minutes was made by Melinda Meddaugh and seconded by Matthew Sush.
4 in favor; 0 opposed.

GELBART - 368 Fraser Road - S/B/L: 10-8-8.2

Tim Gottlieb, PE

Mr. Gottlieb advised that the premises has two rental properties. The applicants want to put a 6'x12' addition on one building. Acting Chairperson Kiefer asked if the addition was a deck and Mr. Gottlieb advised that it was not, the proposed addition is to be a bedroom. Acting Chairperson Kiefer advised Mr. Gottlieb that the applicants will need to go before the Zoning Board for a variance.

A motion to deny the application and refer the application to the Zoning Board of Appeals was made by Melinda Meddaugh and seconded by Matthew Sush.
4 in favor; 0 opposed

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

Helen Mauch, Zarin & Steinmetz - EPR Concord

Nicole Emmons, Architect

Chris Robbins, AKRF

Justin Baker, AKRF

Mike Gamache, Reform Architecture

Ms. Mauch advised that they were excited to be before the Board to kick off the SEQRA process for the proposed water park and that they are asking the Board to declare its intent to be Lead Agency. Ms. Mauch further advised that the Master Planning Team will advise how the water park fits with EPR's master plan. Mr. Robbins will discuss the SEQRA process and Mr. Baker and Mr. Gamache will walk us through the layout of the water park. The property owner is EPR. They are leasing the property to an entity known as Concord HWP LLC. Attorney Paula Kay asked who will be running the water park and Ms. Mauch advised it would be run by the investors in the waterpark.

Nicole Emmons advised that in January 2013 a plan was adopted and a family resort hotel with water park was contemplated. This application considers the former plan, but maintains that plan with fewer rooms (400 instead of 500). It is generally located north of Thompsonville Road and on the west side of Chalet Road. The site is located just north of the Monster Golf Course as renovated. The additional accessory uses will be conference facility, indoor/outdoor water parks and dining. We have Chris Robbins of AKRF leading our SEQRA process. The

architects from the water park are here. The entire team will be working with us throughout the process.

Chris Robbins of AKRF advised that the applicant kicked off the initial SEQRA process in April 2012. That initial environmental review focused on the casino development program and an EIS/GEIS was prepared. The EIS covered the casino development program. As part of the GEIS, the water park was contemplated. The SEQRA process was finished in January 2013. Findings were made and issued, all the time knowing that the applicant we were going to come back before the Board for each Phase of development. We are here tonight for the waterpark. We would like to start the SEQRA process and a Notice of Intent would be sent out if the Board sees fit to declare itself as Lead Agency. We will work to develop the site plan further. Each of you have received a preliminary sketch plan. We will get a more formal plan. Because this follows up on what we did in the past, we will look at the full review, traffic visual, etc., in an expanded EAF form so it won't be an EIS. It will be in the Part 1 EAF. We will do Part 3 afterwards; your technical does Part 2 of the EAF. That is our planned approach. At this point, we want to wrap this up by some time in the spring. We'll be before you several times in the next months.

Nicole Emmons added that they will also note infrastructure improvements on Chalet Road in that EAF.

Mike Gamache presented a map to the Board which shows the location of the proposed water park. Mr. Gamache advised that development and the waterpark will be on north end of the site with the connection to the ski hill down below. The proposed plan for the building itself is the same program as contained in the master plan. The family center, water park, main lobby and guest rooms will be located on the first through fifth floors. A conference center will be located to the north. It is a five story building with approximately 400 guest rooms. The plan for the exterior is to use natural materials, wood accents, steel detailing in general, the idea is to give a nice, grand lodge feeling. The inside if the building would be similarly treated to give it a rustic feeling, with contemporary accents mixed in.

Melinda MEddaugh inquired as to the height of building and Mr. Gamache advised that the top wall on the fifth floor is roughly 100 feet and roof extends to approximately 120 feet.

Bobby Mapes advised that in the application for site plan approval, it was noted that there was a 40,000 square foot outdoor pool area, but he did not see where that was located on the plan presented to the Board and Mr. Gamache showed Board where it was located on the plan. Melinda Meddaugh asked what the total disturbance would be and Mr. Robbins advised that 43 acres is the total limit of disturbance. There is another ten acres of disturbance which is associated with the other improvements for the relocation of the chalet.

Justin Baker showed the Board a schematic site plan of the site. Mr. Baker advised that the existing road will be realigned in order to open up the site for different lodging buildings, parking and the water park. There is one additional piece on the south side of the lot to support the tubing/snow activities. There are existing areas for skiing with a small lodge at the base of the hill as well as additional parking.

Lous Kiefer asked if Chalet Road was a Town road and Town Engineer McGoey advised it was. Mr. Kiefer asked if the applicant will be moving part of the road and Town Engineer McGoey confirmed they would be moving a portion of the road and the Town Board will have to go through a road abandonment proceeding to permit the same.

Chris Robbins advised that there will be additional improvements on other roads to Kiamesha Lake and Nicole Emmons added that the applicant is looking at minimizing that.

Lou Kiefer asked Ms. Emmons if this location is where the old golf course is and Ms. Emmons confirmed it was.

Melinda Meddaugh asked if part of the lot has already been cleared and Ms. Emmons advised it has.

Melinda Meddaugh asked how many guests were the applicants expecting and Attorney Paula Kay advised that the number of guests is based on the number of rooms. Mr. Baker advised that there is sufficient parking for 985 guests. Mr. Gamache added that the parking includes the conference center as well. Ms. Emmons confirmed that the parking is for shared use.

Bobby Mapes asked if the water park will permit day visitors or will the water park only be for guests? Ms. Emmons advised that the current assumption is for guests only right now. There will be reciprocity with other Adelaar facilities.

Bobby Mapes commented that while this looks like an exciting project, if a casino is not awarded to this area, will you still build? Helen Mauch advised that as EPR has stated before, EPR will need to re-evaluate if it is not successful in getting a casino license. They are staying positive and saying when, not if.

Bobby Mapes asked about the water being used to fill the pools. The plan says the pools will be filled in stages. Down the line, will the pools be refilled in the same manner after they are cleaned? Mr. Robbins advised that they are still working on water usage and sources as well as how often the systems need to be flushed. Water parks do not use as much water as you think and they recycle much of that water. We will address water usage further including discharge and treatment.

Helen Mauch confirmed that she has received the Town Engineer's comments and Town Engineer McGoey confirmed that their EAF was reviewed

Acting Chairman Kiefer asked for a motion to permit the applicant to send out their Notice of Intent for Lead Agency was made by Michael Croissant and seconded by Melinda Meddaugh
4 in favor, 0 opposed

DOUGLAS MULLER - 97 Rapp Road - S/B/L: 7-1-32.1

Douglas Muller

Acting Chairman Kiefer advised that the plan was received.

Mr. Muller advised that when he had an engineer look at it, the engineer suggested leaving the plan as built and then make changes after the Board has reviewed the same. Acting Chairman Kiefer noted that the applicant is adding a side wall on one building and squaring off another building. Mr. Muller noted that the engineer drew the buildings as built, with the correct sizes of buildings on the plan.

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

A motion for site plan approval was made by Melinda Meddaugh and seconded by Michael Croissant.
4 in favor, 0 opposed

GAN EDEN - 368 Fraser Road - S/B/L: 2-1-6.3

Larry Frankel, P.E., Barbara Garigliano, Esq., Karen Benson

Mrs. Garigliano advised the Board that this application is made to drill test wells. Town Engineer McGoey advised that when he attended at the site, two of the wells were fine, but one proposed well was in the trees. Ms. Benson advised that she was able to drive to all of the test wells but Town Engineer McGoey advised that he could not get to the third test well with four wheel drive vehicle.

Attorney Paula Kay advised that the Board does not want to set precedents here. The Board's understanding was that there would be no clearing or cutting to get to the test wells. The Board does not like to allow any of that before we get through the SEQRA process. It is important that we be comfortable with the location of the wells. In addition, a neighbor called to say work was being done on the site. Mr. Frankel advised that work was done when the road was

recently flooded and had to be maintained. Mrs. Garigliano asked when the work was being performed and Mr. Frankel advised it was about a month ago. Town Engineer McGoey advised that he did not see any major work being done and he was there a month ago.

Ms. Benson advised that as far as clearing, it will just be done to some trees to be sure we don't break branches. Attorney Paula Kay emphasized that there is to be no cutting of trees.

Town Engineer McGoey noted that the one well he was having difficulty reaching was the one he is concerned about. Ms. Benson advised that it is located right off of the existing paths. Town Engineer McGoey advised that when he was on the site, there was no way to access it with machinery.

Melinda Meddaugh noted that since the applicant is here because they already submitted an application, if zoning and density are changed, do they need to correct their application before they move forward? Attorney Paula Kay advised that they are both significantly reduced. Mrs. Garigliano advised that the application is in compliance with current zoning.

Attorney Paula Kay advised that the Town Board had concerns about the wells being drilled. There was a prior instance where a well driller was not compensated and walked off the job; wells were not capped and water was contaminated. The Town Board would like the applicant to post a \$5,000.00 bond. Mrs. Garigliano asked if it was \$5,000.00 per well and Town Engineer McGoey advised that capping wells is not expensive and a total of \$5,000.00 should be sufficient. Mr. Frankel noted that the Town has \$15,000.00 in consulting escrows for this project. He is not complaining about the escrow, he just wanted to bring that to the attention of this Board. Mr. Frankel asked if the Board would approve two of the three wells tonight and Town Engineer McGoey suggested that the Board approve all three, subject to the third being reviewed by him prior to being drilled.

Melinda Meddaugh noted that she wants to see a correct application with what is exactly proposed on the site. While she understands that it is going to be built according to current zoning, she wants to see a corrected application. Attorney Paula Kay noted that once the wells are in, the applicant will update the EAF. Can the applicant update the application at that time? Mrs. Garigliano confirmed that they would.

Melinda Meddaugh confirmed that the two undisputed sites for the test wells have no disturbance; the third test well will be drilled subject to the Town Engineer's approval and that no disturbance will be made.

A motion to approve the drilling of the three test wells subject to Town Engineer's review and approval of the third well was made by Michael Croissant and seconded by Melinda Meddaugh. 4 in favor; 0 opposed

Mrs. Garigliano asked how the applicant can determine which two wells are approved and Town Engineer McGoey advised that the approved wells are in the open field.

GARDEN HILL ESTATES - 50 Strong Road - S/B/L: 1-1-12

The Board discussed that this application is not meeting the required setback requirements. A motion to deny this application and refer the same to the Zoning Board of Appeals was made by Melinda Meddaugh and seconded by Matthew Sush.
4 in favor; 0 opposed.

HEBREW DAY SCHOOL - 4718 State Route 42 - S/B/L: 9-1-21

Steve Vegliante, Esq.

Mr. Vegliante reminded the Board that this application was previously approved subject to its receipt of the County's review under GML 239. The County raised some issues, one being environmental issues on Concord property and other archeological issues, which we have resolved.

A motion for site plan approval was made by Michael Croissant and seconded by Matthew Sush.
4 in favor; 0 opposed.

CHARLES STACKHOUSE - 62 Crystal Street - S/B/L: 14-1-2 and 14-1-1

Charles Stackhouse

Attorney Paula Kay advised the applicant that this Board will need to obtain the County's approval of this application because the house is 500 feet from Route 17. We need the County to make a determination that there are no inter-community impacts based on your lot improvement. It is mostly a ministerial act, but it is necessary. If you sign the lot improvement form tonight, you will not have to come back.

A motion to send this application to the County of Sullivan for review under GML 239 was made by Matthew Sush and seconded by Melinda Meddaugh.
4 in favor; 0 opposed.

BIRCHWOOD ESTATES - Unit 47 - Sackett Lake Road - S/B/L: 56-1-46.1

Glenn Smith, P.E. and Jacob Billig, Esq.

Mr. Smith advised that the applicants need a waiver from the Board. There is a proposed 12 foot deck on Unit 47, which is not built yet. Unit 47 abuts the fifty foot buffer which the Planning Board imposed four or five years ago. The applicants volunteered to do a fifty foot buffer, although only a ten foot buffer was required. At that time, the then-adjoiners had a problem with the buffer, but the applicants have subsequently bought the property from them and the buffer is not really an issue. The proposed construction does meet the side yard setbacks.

Attorney Paula Kay advised that she did not think the Board wants to change the setback for just one property. We would want to change the line. Mr. Billig advised that when he spoke with the builder, he was told that there would be four proposed homes being placed in that area, which will all want the same size deck.

Mr. Billing advised that the setbacks are fine and the proposed deck would not violate those setbacks. However, perhaps the Board wants to say the buffer zone can contain decks. Whatever the Board's pleasure is; you could move the line or you could say the buffer allows decks.

Mr. Smith added that the Board could set a limit of 12 foot decks for those units. This does not affect decks already on the site. The decks as shown in other locations on the site are locked into their location.

Melinda Meddaugh asked if the applicants are buying the adjoining lot and Mr. Billig advised that they are working on it.

Logan Ottino noted that she did receive a complaint about the fence which was built along Rod and Gun Club Road, which she personally thinks it is nice. However, it may be over six feet. Melinda Meddaugh advised that the existing fence was permitted because it was nicer than the average fence. Mr. Smith noted that the applicants milled and sawed the boards on site.

Melinda Meddaugh advised that the Board is okay with the decks being built in that buffer zone because it adjoins the applicant's property and not a neighbors.

Attorney Paula Kay suggested the Board set parameters. Mr. Smith advised that 12'x28' decks will be the maximum size decks and smaller homes will have smaller decks. This modification only affects units 47, 48, 50 and 51.

A motion for to amend a previously approved site plan to permit decks on units 47, 48, 50 and 51 to be built in the fifty foot buffer zone, with a maximum deck size of 12'x28' was made by Michael Croissant and seconded by Melinda Meddaugh.

4 in favor; 0 opposed.

RNR Mobile Home Park - Pittaluga Drive - S/B/L: 12-1-21.1/23.1

Glenn Smith, PE

Mr. Smith advised that the applicant wants another six month extension. He really wants to wait to see if casinos are approved. He has preliminary site plan approval and the Board has extended this approval six times before. Attorney Paula Kay advised that approvals are technically unlimited, but the Board does like to ask why, etc. Mr. Smith advised that the applicant first received approval in 2007 and the most recent extension ended December 24, 2014. This extension would run to June 24, 2015, subject to the applicant paying the recreation fees. Attorney Paula Kay advised that the Town makes a determination of recreation fees based on the number of proposed units.

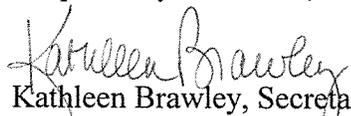
A motion for a six extension of the applicant's previously approved subdivision from December 24, 2014 to June 24, 2015 was made by Matthew Sush and seconded by Melinda Meddaugh.

4 in favor, 0 opposed.

A motion to adjourn the meeting at 7:57 p.m. was made by Matthew Sush and seconded by Melinda Meddaugh.

4 in favor, 0 opposed

Respectfully submitted,


Kathleen Brawley, Secretary
Town of Thompson Planning Board