

APPROVED

**TOWN OF THOMPSON
PLANNING BOARD
TUESDAY, OCTOBER 22, 2014**

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

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

PUBLIC HEARING - YESHIVA VIZNITZ - PHASE II

16 Lot Subdivision - S/B/L: 6A-1-1.1, 3 and 4

David Zigler, P.E.

Chairperson Patrice Chester read the public notice.

Proof of mailing was provided to the Board by the applicant.

Presentation by David Zigler, P.E.: This premises is a portion of a PUD plan. This area has already been subdivided as one lot and we are proposing to divide it into 16 residential lots. (Mr. Zigler showed the audience where the proposed subdivision is located on the map.) The applicant will be extending Gold Terrace to the north, extend the existing utilities (water, sewer) and also drainage and create a "T". We would have six lots on both sides of the street and four lots in the back. These are duplexes; the first two lots on the left will have a common fire wall on the units. There is a unit apartment and a main portion of the house. It is two floors with parking in the front. There is a separate Dumpster on the property line for each unit. At the north end of the property, we have two more sets of duplexes. The drainage will go all the way down and we are installing a new retention system and new pipe. Drainage will be run on the east side of the road and on the west side, drainage will be run on the back of the lots because we are going to have a grade coming down and we are trying to stop the water from running off site. Since the last time we appeared before the Board, we have made no changes to the map. I did receive the comments of the Town Engineer and have a few questions, which I will go over with him after the public hearing. I also received the comment letter from the County Planning Department. I think if you read what they are asking, it appears that they did not understand that this is already part of a PUD.

Paula Kay, Esq.: The County of Sullivan specifically asked for clarification that this is a PUD, which I confirmed.

which I confirmed.

Mr. Zigler: They did? Because this plan has been filed already, but it has the store on it instead of the lots, so it has to be re-filed.

Paula Kay, Esq.: The Board will probably ask you to do is to respond to the County's comments at our next Board meeting.

Mr. Zigler: We will. We are going to add a map to this and the map would be the entire site. I think that is Mr. McGoey's number 5 comment.

Town Engineer McGoey: I did request that.

Mr. Zigler: That will give the County evidence as to what is left over and give them a map to look at besides just the application.

Chairperson Chester: Do any Board Members have any questions?

Melinda Meddaugh: My main questions were in connection with the 239 Review, such as open space, what the units look like, landscaping, those types of details for the project. And even for the whole entire project, in the front, the entranceway, I don't know if there is signage for the development or anything like that.

Mr. Zigler: there is no proposed changes other than what we have mapped on this front page.

Melinda Meddaugh: So there is not going to be any signage at the front of the development?

Mr. Zigler: Signage? No. No landscaping plan or anything like that. The only thing that is off site in this case would be the drainage which is going to be a new retention area by the existing pond on the south side of the premises.

Jim Barnicle: So there are 16 Units. Is there 16 separate units or how is it set up?

Mr. Zigler: There are 16 total, so there are eight duplexes. They are all a little bit different. They are all around 35x50' plus they have interior changes, so there is 1200 square feet on the lower floor and the upper floor adds up to about 2000 square feet. They have different roofs.

Jim Barnicle: Bedrooms? They are three bedroom upstairs and two bedrooms downstairs?

Mr. Zigler: I think it is more like four and two. There was some plans that we submitted which I don't have with me, we will add that to the comments.

The Board had no further comments.

Chairperson Chester: At this time is there anyone from the public who would like to comment?

Chairperson Chester noted that there was no public comment.

Discussion was had between the Board members concerning landscaping. Town Engineer McGoey advised that there are some landscaping plans submitted, but he is not sure they are sufficient. The landscaping is non-existent.

Chairperson Chester (To Mr. Zigler): I would save yourself some time to get back to us with additional landscaping ideas.

Melinda Meddaugh: And include the front entrance as well.

Mr. Zigler: I will talk to the attorney. Mr. McGoey, the only other question I had was on the meeting with the Highway Superintendent. Does the Board set that up or do I contact him directly?

Town Engineer McGoey: Why don't you set it up and call me.

Mr. Zigler: All right. There was a question about the scale about the profiles. It is presently 30 scale to match the other submissions. Did you want it to be 20 scale?

Town Engineer McGoey: No, I think I was talking about not the profiles, but the plan views. I couldn't read the utilities clearly enough on the plans.

Mr. Zigler: I will just move the whole thing up to 20. I like the profiles to match.

A motion to close the public hearing was made by Lou Kiefer and seconded by Matthew Sush. All in favor.

PUBLIC HEARING - ISRAEL OSTER - SPECIAL USE PERMIT

Friedman Road - S/B/L: 5-1-6.1, 6.3 and 6.16

Joseph A. Churgin, Esq. and Israel Oster

Chairperson Patrice Chester read the public notice.

Proof of mailing was provided to the Board by the applicant.

Joseph A. Churgin, Esq.: We are here for a special permit to operate a fun park which will be operated essentially the same way it was last summer. I have spoken with the Town Engineer about some of the issues he had upon his inspection of the premises. We were asked to provide "as built" plans, as there were some changes, and we have provided them to the Board. Mr. McGoey raised an issue with respect to parking and we have added new parking. There was also a question concerning handicap certification and we have provided that to the Board. The final issue that I am aware of is the last time we were here, there was discussion regarding signage going to the back of the fun park because there was concern that people who were coming to the fun park did not know where they were and they would wander onto the development behind it. We have addressed that as well. If there are other issues, we are not aware of them.

Chairperson Chester: Do the Board members have any questions or comments?

Melinda Meddaugh: What are the hours of operation?

Mr. Churgin: Eight o'clock to eight o'clock.

Paula Kay, Esq.: How many days a week and which days?

Mr. Churgin: They do not operate Friday night or Saturday. And it is only during the summer months. June to the end of August. There may be a time or two during the year where they are going to be open. Just the other week, during the Jewish Holiday of Sukkot, many members of the Orthodox Community are off and their businesses and school stop. So it opened during that period of time for a day or two. That is not going to be the norm. The norm is going to be during the summer months and there might be some time throughout the rest of the year they are going to open.

Chairperson Chester: So to be fair, to put a time frame on this, June 1 to September 30 would be their dates of operation?

Mr. Churgin: That is the main hours of operation.

Paula Kay, Esq.: The main hours are through Labor Day. I would then say is that the park may be operational between September 1 and November 1. Does that sound good?

Mr. Churgin: Yes, because the Holidays do change.

Melinda Meddaugh: What were the hours for last summer? Was it the same 8:00 a.m. to 8:00 p.m.?

Mr. Churgin: It was 12:00 p.m. to 6:00 p.m. That is when the owner said they were open.

Chairperson Chester: So when you say 8:00 p.m., when would the last people be allowed to enter the park? You would stop operation at 8:00 p.m., right?

Mr. Churgin: Yes. It is going to close and they are going to leave at 8:00 p.m. There should be nobody there after 8:00 p.m.

Chairperson Chester: I just want to clarify that it does not mean people can enter at 8:00 p.m.

Melinda Meddaugh: You said that you addressed the signage issue. Were you going to do anything with fencing?

Mr. Churgin: No, we are not installing fencing.

Chairperson Chester: Do we have an example of the proposed signs? We just received the plans tonight. Can you show us on the plans what the changes are?

Mr. Churgin: The way I understand it, Mr. McGoey went through the property and saw the signs and a picture showing where the trail ends was provided.

Chairperson Chester: So they are the trail signs?

Mr. Churgin: Correct.

Paula Kay, Esq. (to Town Engineer): did you see the signs?

Town Engineer McGoey: I saw the trail signs when I was there.

Jim Barnicle: I may have missed it but there were four points on the sheet and one was the amusements were not all on the site plan. Has that been addressed?

Mr. Churgin: We submitted an as built just this week and everything that exists on the site should be there. IS there.

Melinda Meddaugh: What is the anticipated number of customers? Did we previously have that information?

Chairperson Chester: How many customers did you have this year? Did you keep count?

Mr. Churgin: Do you mean total, for the whole summer?

Melinda Meddaugh: An estimate per day.

Mr. Oster: I don't know. I didn't count.

Lou Kiefer: If you sell tickets, you should know how many tickets you sold.

Mr. Churgin: We understand that. We didn't come here for accounting. Had we been asked that question prior...

Chairperson Chester: It is a general question.

Mr. Churgin: Mr. Oster says in general 50.

Chairperson Chester: Okay, thank you.

Jim Barnicle: Do they come by the carload, busload or both?

Mr. Churgin: For the most part, bus. During the holidays the buses aren't available because the schools are not there and the camps are not there, so that is when they are driven by car. That's why there were so many cars when Mr. McGoey showed up.

Lou Kiefer: We heard there was a problem with noise, whistles and such. Is there anything you can do with that?

Mr. Churgin: I really don't think there is anything they can do to prevent the whistles from being used because it is not Mr. Oster's staff that are using the whistles. It is the counselors from the various camps who are supervising the children and because of the nature of the park, when they have to leave, they need to get the attention of the children that way. I had mentioned the last time we were here that we could use a bullhorn or loudspeaker but that is not something that the Town would be favorable for either.

Paula Kay, Esq.: I believe we discussed this the last time that there are other ways to get the attention of children other than a whistle and I think that is something we will talk about after the public hearing during the actual session.

Chairperson Chester: Because we are going to discuss that issue afterwards as part of the work session, I would to now give the public an opportunity to speak.

Paula Kay, Esq.: I just want to remind both the public and the applicant that this is not a "back and forth". We want to hear from the public and then we are going to have a discussion with the applicant after the public hearing is closed based on the public's comments.

PUBLIC COMMENT:

Robert Fuchs: I do have video and can send you the link. My back door of my home is no further than the width of this room, so our home is most impacted by the trails of the family fun park. I have video that shows 60-80 kids at a time screaming. The distance of this room to my house with every 15 minutes kids running the whole day. It is not 50. Maybe for odds purposes 50 but I have video on You Tube. It is real. I have kept logs. Also we hired people to do decibel readings. It reaches over 90 decibel 100 feet away from the trail. It is ridiculous. I cannot work from home. I have to take my business calls from the bathroom because it is so loud. I am stuck. With his property, our property values will plummet. I couldn't give my house away. So I have video of this. I have video of the signs and pictures. The "No Trespassing" signs are pointed at our property and their signage is just a pink arrow. I have pictures and can forward them by email if you want. All of the links are in the letter which Bonnie forwarded the Board so you have that. It is causing great distress to our community and to other people that will come up. As for the hours, we have logged the dates, they are open consistently past 8:00 p.m. with noise. Even as early as 8:00 a.m. At the initial meeting where Mr. Oster came and presented, it was to be at 6:00 p.m. So they took it upon themselves to extend their own hours, breaking the covenant. When they originally presented you said if there were any problems you come to him and speak to him. I have an individual who can testify that this is not the case. The owner of the property was not open to having a normal conversation about the impact of this park and the noise. His name is Lenny and he can provide that information. I would ask the Board to really consider the impact of new business impacting a residential community that has been around for 28 years whose summer has been destroyed by this business with the noise impact. There are legal statutes in the County about noise abatement business. They should be considered for this business to at least maybe move the trail not on the property line but further back. There is enough land for many considerations. It should be considered before you extend them for another year.

Chairperson Chester: Just a question for you: So the noise generally is being generated from the trail.

Mr. Fuchs: Yes, so there are bullhorns as in megaphones which have this siren feature, which is used constantly. I barely heard a whistle. It is always megaphones and they used the megaphones to corral the kids. I have spoken with the counselors because it is literally...I can sit on the edge of my property and the counselors, one by the name of David, told me they were instructed to make extra noise on the path to keep the animals away. So, someone must be telling them that. I also have evidence and video, maybe this is a trespass issue, of motorcycles running on the path on Saturdays. It is loud noise, maybe it needs to be zoned or something. I didn't sign up to live next to a freeway or amusement park.

Jim Barnicle: You said you have the links in a letter to your online videos?

Mr. Fuchs: I can play it right now.

Chairperson Chester: No, thank you. Not at this time.

Town Engineer McGoe: How do we find it on You Tube?

Mr. Fuchs: "Family Fun Park".

The Board thanked Mr. Fuchs.

Leonard Kirschenbaum: I am the Vice President of the Board of Directors. Just to relay a quick story, I had called Mr. Oster in regards to the noise, thinking, because we had spoken earlier that if there were problems he would be open to discussion. I called him and basically, he called me an anti-Semite, and a self-hating Jew. I don't see any cooperation from his end at the Town. We also have a lot of buses and cars going through our property on the way to Mr. Oster's property. I think we had spoken with Mr. Oster about putting a sign that the family fun park was not here, but down the road. We have a lot of elderly residents. We have people using our roads for walkways to get from one place to the other and people are fearful when these buses and cars come flying through. At the very least, there should be some indication of the direction to the farm and not burden us with that. My solution was to make our road a toll road or a private road and if they want to use our road, they can pay for it. The noise has been horrible. I am speaking on behalf of two other home owners who I do believe the Planning Board does have their letters authorizing me to speak and they have had a miserable, miserable summer. The original plan was 6:00, as Robert said, it has extended way past that and has started much earlier. There are other ways for the children to get from the main area up to the sliding tube, because from my observation, that is what seems to happen. They walk around the back path, they pass our units and then they go down this tube back to the lower. There is another way to get there without impinging on our units and our people. We have many elderly senior citizens who have been very disturbed by this and as Robert says and I will re-iterate on it, this is a community of 28 years. It has been established. People want a little peace and quiet. They come to the country for that. I am a year-rounder. I have been in Sullivan County for over forty years and I am very hurt and upset, like the rest of our homeowners, about what is happening. I don't believe there is proper supervision. I don't know how many people Mr. Oster has working for him, but generally I see the children by themselves on the paths. It is just a bad situation all in all and I don't want to beat a dead horse, I know there are a couple of other people who want to speak. Thank you.

Chairperson Chester thanked Mr. Kirschenbaum.

Maria Fuchs: Robert Fuchs is my son. I live on the northwest unit in Hidden Ridge. In his original plan, there was to be a hiking path. I don't think anybody understands hiking as a

"parade zone". Mr. Oster thinks he has fifty clients a day, there is 50 to 75 children on the trail which is right behind my house, not the width of this, shouting, screaming, chanting, dancing, running, whatever. And this happens every hour on the hour with a fresh new group coming and doing all of the same things. Also, the amusement park that he has, I don't know how much of it is a petting zoo, but the noise is like a huge amusement park. There is many children at the time. The trail is unbearable. It is plain unbearable. Even with closed windows and the air condition running. I don't know why I have to suffer because he has a business. I wish his business well, but there has to be some abatement of the noise. Also, the noise from the amusement park, which is down the ravine from our property, is also very loud because there is so many children and they are enjoying themselves, I understand. But this was allowed to happen next to our community which was pre-existing and I think there is more than one precedent and Mr. Oster says "Maybe this and maybe that" on many occasions this summer. He did not start really until 10:00 a.m. But on a few occasions, when it was raining, he had to make money so he allowed clients to come at 8:00 a.m. I know because it was 8:00 behind my head on the path. So its not just the trail and the video my son took you will see that even during the summer there is not that much coverage because there are sparse trees and there are some bushes but that wasn't meant to obscure the sight of sixty shouting kids at the time and they parade and they cover the distance and there's a half an hour quiet and then it starts again. So since he has owned this property he has several hundred children every day. Several hundred. Busloads. And also, the sliding tube is on the level of our property so when people come and scream, they are excited I understand, but why do I have to suffer? So he has a business. We have houses there. This community of 150 houses. I happen to border the trail but this is not used as a trail. It is used as a parade ground. On thirteen or fourteen Mr. Oster, with another man, went on the trail with a cart and they are fixing "No Trespassing" signs. And those signs are facing my house. So it looks like we, residents of Hidden Ridge, shouldn't trespass on his property. That has nothing to do with children coming to our property. My son has one of the pictures that there is a "No Trespassing" sign on one tree and a pink arrow that denotes the trail on another. And everything is within eight feet. This trail was for horses. Five horses a day for thirty years. That is how this property was commercial and maybe he did not know because his house is facing Friedman Road. The whole activity is in the back of the property. This is unbearable.

Chairperson Chester thanked Mrs. Fuchs.

Chairperson Chester: That is everyone who signed up to speak. At this time is there anyone else who would like to add something?

(Unnamed resident): I would like to add something. I have noticed that Mr. Oster is also advertising "rent a mansion". He is advertising on some of the real estate signs that one of the houses would be available for rental during the summer or during the season and I think it was \$2,000.00 a week and of course that included admission to the fun park.

Chairperson Chester called on the next member of the public and asked her to state her name.

(Inaudible) From what I understand different foods are being served and being purchased which is different from the original premise Mr. Oster was projecting and also there are different animals than what Mr. Oster was projecting.

Chairperson Chester asked if there were any other public comments. There was no further public comment.

A motion to close the Oster Public Hearing was made by Lou Kiefer and seconded by Matthew Sush.

All in favor.

Chairperson Chester (to the audience): This application will be on the regular agenda later if you would like to stay, this will be discussed.

Chairperson Chester called the regular meeting to order.

A motion to accept the October 8, 2014 meeting minutes was made by Lou Kiefer and seconded by Melinda Meddaugh

5 in favor, 0 opposed

CHERRY VALLEY BUILDERS, INC. - Old Sackett Road - S/B/L: 52.-1-17.9

Brad Cleverly, MJS Engineering

Mr. Cleverly: This is very similar to our request at the meeting three months ago where we requested an extension of our previously approved site plan.

Paula Kay, Esq.: The Board had asked when you actually put it on the agenda, we need a little more information. The Board has been quite generous in granting the extensions, but we need some more information as to why you requesting an extension at this time.

Mr. Cleverly: Specifically, it is the economic uncertainty of developing a subdivision such as this and the economic uncertainty which of course, is the situation prevalent in the County now. The applicant wants to continue to keep the approval and do intend to develop it, but they are not going to start this month. That is where they are.

Paula Kay, Esq.: Your approval expires on what date?

Town Engineer McGoey: You were here July 23, 2014.

Mr. Cleverly: Yes, I was here July 23, 2014.

Town Engineer McGoey: The Board gave a ninety day extension at that time.

Paula Kay, Esq: From July 23?

Town Engineer McGoey: Yes.

Lou Kiefer: Do you have some kind of approximation as to when you plan on doing something? I mean, is this going to go for five years or is it going to go for six months? I mean the way you are talking, it could go for five years. Correct?

Mr. Cleverly: I don't have the answer for you on that. I will request the information from my client to present to the Board. I don't have the information but I can get that from the client and ask for the specific reason why.

Paula Kay, Esq.: Dick, when does the approval actually expire? Do we have time before the next meeting?

Chairperson Chester: Wouldn't it be October?

Paula Kay, Esq.: I am not sure when you came in on that July 23, 2014 date whether it was expired or not.

Mr. Cleverly: It was extended effective July 22, 2014. So it was ninety days from July 22, 2014.

Town Engineer McGoey: So tomorrow is the expiration.

Paula Kay, Esq.: Understand that the Board is asking for something which I know was communicated to your office; to bring tonight.

Mr. Cleverly: I understand you need this information. If I had it in front of me I would give it to you. I would like to request that the Board extend tonight for ninety days and should we not start before [the expiration of] the next ninety day period, I will be here at that time to give you all of the relevant information.

Chairperson Chester: We would like request too that it wouldn't be that night.

Mr. Cleverly: Yes, it would be part of the request.

Chairperson Chester: We would like you to come before us sixty days before.

Lou Kiefer: Can it be thirty days?

Paula Kay, Esq.: We cannot give a thirty day extension, but what you could do is give the ninety days subject to them coming back, as Patrice said, within sixty days with information as to what the intentions are.

Mr. Cleverly: Yes. That might in fact be a renewal of another ninety days.

Chairperson Chester: Right now, we don't have any information.

Mr. Cleverly: That seems reasonable.

Town Engineer McGoey: Where are you with your Health Department and DEC approvals?

Mr. Cleverly: I provided those three months ago and they are all still active.

Paula Kay, Esq.: We are also looking for your client to do, during the ninety day period, go before the Town Board. The Town Board imposes park fees on new subdivisions and we want to ensure that is taken care of now, rather than waiting on it any further. The Town Board has to set a resolution for each new subdivision based on the number of lots and they will determine the fees.

Mr. Cleverly: Yes, I will have them do it.

Chairperson Chester: Preferably before the sixty day meeting.

Mr. Cleverly: Yes, I will begin that process.

The Board had no further comment.

A motion for a ninety day extension of the applicant's previously approved subdivision from October 23, 2014 subject to the applicant providing the Board with the information requested at the October 22, 2014 meeting within sixty days from that meeting, was made by Lou Kiefer and seconded by Melinda Meddaugh.

5 in favor, 0 opposed.

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

Steven Vegliante, Esq. and Tom Olley.

Mr. Vegliante: I apologize. There is one thing missing from the application, which is the municipal disclosure and I have them for the Board tonight. What we are looking for is a simple site plan approval. We are doing an expansion for the Hebrew Day School. They have a lot more students this year and would like to be able to add some more. On the plans, you will see it will be a two building expansion. I think we have pretty much answered Dick's comments and I think it is good for Hebrew Day School which has been in the community for over fifty years at the same location. It allows them to financially be kind of vibrant, which is something they have had trouble being over the years.

Chairperson Chester: We did have a couple of questions that came up during the work session. Mostly around the parking and what events happen at the School. Is there sufficient parking if they have an event there? Do they still have Bingo? What is their every day parking like? What about parking for employees?

Mr. Vegliante: I don't think they do Bingo anymore. They will be adding more employees. Most of the staff members there car pool. I don't know if anyone has ever gone up there during the day, there are usually very few cars in the parking lot. The students are bussed as well as some of the staff come on buses. I don't think parking is every an issue. I mean, when they have a graduation or some type of event, they have an agreement for emergency purposes as well, to utilize the Kiamesha Lanes parking lot. So that has always been in place and in fact, in the beginning of every school year they have a meeting with every parent and they tell them that if there is ever an emergency and you have to pick up your kids, the meeting place is the Kiamesha Lanes parking lot. They have a plan to have someone stationed at the roadway to keep that roadway clear. I have been up there I don't know how many times in the last few years and it is almost eerie that there are only two or three cars in the parking lot. We have on our plan to add a parking lot down using green space toward the road. When we met with Dick, he indicated that it would be up to the Board whether or not they want us to use green space to create more parking. Parking that we don't think will be utilized very often.

Chairperson Chester: I think everyone is comfortable with the parking and it's not going to increase that much, we would just probably want to put on there for reserved future parking area, if needed but you do not have to build it right away.

Mr. Vegliante: That is certainly reasonable and we appreciate that.

Paula Kay, Esq.: I guess one thing, for parking generated, and you touched on it a little bit, but, the current staffing today and the proposed new staffing. What are those numbers?

Mr. Vegliante: Full time equivalence is hard to figure because most of the teachers are part-time. They have just about twenty staff members total, most of them are part timers that come and go. There will probably be an increase of five or six per building. I think the same situation with the cars, I think it will mostly be through busing or car pool. I don't think there will be a dramatic increase in traffic.

Melinda Meddaugh: We have some questions about the landscaping. Just mention about submitting a landscaping plan and discussing how, since where the new buildings are going and I think there is going to be a retaining wall, looking at the landscaping with more storm water management in place, because there will be an increase in erosion and things like that. Especially in the future if there does have to be a parking lot built.

Mr. Olley: Since the staff meeting, Dick brought up the landscaping, we went back and took a look at that. We didn't have a chance to modify the plan to address Dick's question on how handle the increase in storm water to prevent erosion. It is one of the things we have worked very hard on with the layout to minimize the disturbance so that we maintain it under an acre so we don't have to go through the storm water pollution prevention process as far as filing paperwork with the State, doing the storm water pollution prevention plan, but it does not relieve us from having to comply with all of those regulations. The purpose of the retaining wall was really to minimize the amount of disturbance on the steep slopes. There is an existing ditch which runs along the south side of the parking to Route 42. The water from the parking lot and the upper building would be buried in that existing ditch. We will look into creating a level spreader just below the retaining wall and make sure that we pipe the roof leaders to that so that we create a sheet flow down the hill and not a concentrated flow and then we would incorporate the same thing below this parking lot even though we'll call it reserve, we will show whatever lighting and drainage that would be associated with that. One of Dick's recommendations was to if the Board so chooses, to make this reserve that put the power into the hands of the building inspector that should it be needed, it could be implemented so we make sure we have a complete plan for that. We really want to use the existing vegetated site here. It is heavily wooded for both screening of the property and also for its natural storm water dissipation properties. We will include those measures in the revised plans.

Town Engineer McGoey: You have erosion on your driveway, you have been talking about how to solve that.

Mr. Olley: What we will do is take that natural, I shouldn't say natural, the soil swale there and we'll put a paved gutter in there too to prevent erosion. It's a thirteen and one-half percent slope up that driveway, there is really nothing we can do to modify that slope. It is there. The building is set in its elevation. The highway is set at its elevation. We can't really do anything to change that but we can improve the edges of the roadway so we can bring it down and we can carry it down the slope and get it into something that spreads it out. Get it off of the steeper

slope to the flatter areas.

Town Engineer McGoey: I think the Board members had a good idea. Maybe using some vegetation that would absorb some of the water, like a bio-retention area maybe down toward where the new parking is planned.

Melinda Meddaugh: That will probably save you money in the long run as well as some education for the kids.

Mr. Olley: That is not a bad idea, as we will be removing some gardens.

Melinda Meddaugh: I think it will help in the long run and help landscaping and the building itself look nice around it as well. That's what I would like to see if you are doing landscaping. What is the building going to look like? The one to the left?

Mr. Olley: They are modular classroom buildings, so if you have seen the modular construction offices, they would be similar in nature, just have more windows. They are very much like a modular office building.

Melinda Meddaugh: What would the visibility of that be from the road?

Mr. Olley: Very little, because there are some very tall trees and evergreens in here that we want to preserve, so it would really be visible.

Melinda Meddaugh: That will get noted on the plan of that, since you mentioned you are going to do that.

Mr. Olley: Yes, on the landscaping plan we actually show a proposed tree line and the existing tree line which you didn't have on those plans. So that will be included in the final plan.

Chairperson Chester: Are they meant to be temporary over the years? Or are they meant to be expanded?

Mr. Olley: They are actually code-compliant. They are just like a permanent structure.

Mr. Vegliante: They are modular-type construction, but they are permanent buildings.

Michael Croissant: Is there a crawl space or basement?

Mr. Olley: They are actually set on a slab or stabilized surface like an Item surface and then they actually put piers underneath the frames to stabilize them and the install skirting around it.

Logan Ottino: Is it a modular or more like a mobile home?

[Cassette ended; answer not continued on second cassette.]

Logan Ottino: I also think the parking lot should have a "T" turn.

Mr. Vegliante: The new proposed parking lot?

Logan Ottino: No, the top. It should have a "T" turn for fire trucks.

Lou Kiefer: What size are these buildings?

Mr. Olley: The building on the left, the eight classroom building, is about 5500 square feet...

Lou Kiefer: No, I meant the size.

Mr. Olley: Oh, the dimensions?

Lou Kiefer: Yes.

Chairperson Chester: It should not be a problem adding the "T" to the driveway.

Melinda Meddaugh: You are removing the edible garden?

Mr. Vegliante: It is going somewhere else. We haven't figured out where, but it will be relocated on the property. It was actually very popular with the students. They all took vegetables home.

Melinda Meddaugh: Okay.

Mr. Olley: The building on the left is a little less than 50x120 feet with a little "bump out" of one portion of it there. The smaller building is roughly 60x60 feet.

Lou Kiefer: Thank you.

Town Engineer McGoey: The back side of the parking lot is being used as a dumping site. There's a berm and there is construction debris and tires. It needs to be cleaned up.

Mr. Olley: We will note on the plan that it is to be cleaned if it isn't cleaned before the building permit is issued. That way it will give the building inspector a way to make sure it gets cleaned up.

Logan Ottino: What kind of skirting are you going to use?

Mr. Olley: I will have to get an answer for you.

Town Engineer McGoey: The Dumpster has to be enclosed.

Chairperson Chester: We also had a question about the shed.

Town Engineer McGoey: Yes, what is that used for?

Mr. Vegliante: It's really for grounds and maintenance. They have a full time caretaker.

Town Engineer McGoey: No body's living in there, right?

Mr. Vegliante: No. There is a full time caretaker on the property, but he does not live in the shed.

Town Engineer McGoey: You will need striping and signage for handicap and no parking signs.

Mr. Olley: We have the details on our plan for handicap accessible parking and signs.

Mr. Vegliante: The whole parking lot, once we are done with construction, will be re-stripped.

Mr. Olley: In fact we were modifying some of that to provide for the cross walks and some parking spaces. Using the same traffic pattern as previously used.

Melinda Meddaugh: I just want to make sure that the right evergreens go around the modulars.

Town Engineer McGoey: You want some landscaping around the modulars?

Melinda Meddaugh: I think you said there was tree screening, just to make sure, because I don't see it.

Town Engineer McGoey: You do show screening around it?

Mr. Olley: We are showing the proposed treeline...

Town Engineer McGoey: That's the existing tree line.

Mr. Olley: The existing tree line is here (shown).

Paula Kay, Esq.: We want to see it a little more clearly.

Mr. Vegliante: You want details.

Melinda Meddaugh: Yes.

Paula Kay, Esq.: I think Melinda is also concerned about that there are several large trees that you want to keep. We just want to see them on the plans.

Mr. Olley: We are using the same drop off canopy. We are providing a cross walk to the eight room building and then we're providing a new sidewalk and accessible ramps to the new smaller building. Everybody would be dropped off here (shown) and walk to the buildings.

Matthew Sush: Do children go on their own to their classrooms or do they go to the main building?

Mr. Vegliante: It is a managed process.

Chairperson Chester: We discussed whether or not a public hearing was required for this project. It's not required.

Melinda Meddaugh: Have we done it for school expansion in the past or just for new schools?

Mr. Vegliante: It is a relatively small expansion on an existing use. I would ask that the Board waive any requirement for a public hearing.

Discussion was had by the Board concerning the public hearing. It was determined that the property has very few neighbors.

Mr. Vegliante: I would be happy to let the neighbors know because I represent them. The property is surrounded by EPR properties and I will certainly let them know.

Chairperson Chester: I don't think that we need it, but I felt it needed to be discussed. Just to be sure and for consistency. So you have some work to do and we need to see some final plans before we take any action. Does the Board want to see the final plans? Where the edible gardens are going and those type of things?

Jim Barnicle: I have one question. Talking about the cross walks and drop offs, for the winter months, is there illumination there for the kids to follow the path?

Mr. Olley: That was one of Dick's questions at our meeting and we have actually incorporated

on the lighting that would be put on the buildings to increase that. I hate to say it but in another week the clocks change and it gets darker earlier and earlier so we have those on the plans.

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

5 in favor; 0 opposed.

A motion to send this application to the County of Sullivan Planning Department for review under §239 of the General Municipal Law was made by Melinda Meddaugh and seconded by Lou Kiefer.

5 in favor; 0 opposed.

Mr. Olley and Mr. Vegliante thanked the Board for its consideration.

ISRAEL OSTER - Friedman Road - S/B/L: 5-1-6.1, 6.3 and 6.16

Joseph A. Churgin, Esq. and Israel Oster

Chairperson Chester: You have heard some of the comments at the public hearing. Anything you want to say regarding them?

Mr. Churgin: I think the majority of the complaints I have heard before. I don't know if there is an easy solution to that problem. The very nature of what happens here is for the kids to play in and I don't know how we can do that without doing the things that kids do. This is a use that is allowed under the zone.

Lou Kiefer: What about the use of bull horns?

Chairperson Chester: From what I heard, it is the noise overall, the entire property. There are two specific areas where noise was a concern.

Mr. Churgin: I think you heard that because the people who are complaining, that is where their homes are. Right at those areas. I don't think that throughout the rest of the park it gets silent. You don't get those complaints because their homes are not there.

Chairperson Chester: Which is part of looking at a site plan. Right? Is to look where things are placed in relation to what is available and the impacts. That's what I was getting at. It wasn't that it was impossible too loud, unruly, things like that, but the biggest concern is where the slide was placed and how that is accessed and the walking trails. There are other things going on here, but I didn't hear any comments or complaints regarding those. We are just wondering if there is anything you were thinking about to propose to mitigate some of that?

Paula Kay, Esq.: How about a sign in the park near the concession stand and also on the trail area that says "No bull horns or whistles are allowed. Please be considerate to your neighbors". Something to that effect. Perhaps also Patrice, maybe there is a way to limit the number of children on the trail at any particular time.

Melinda Meddaugh: Are there any possibilities of relocating the trail? It didn't seem too particularly wooded there, on portions of the trail.

Mr. Churgin: I think that's a problem because the other areas of his site are where he has structures. We can't move trees and structures.

Paula Kay, Esq.: And we don't want to remove any trees.

The Board and Town Engineer all concurred.

Mr. Churgin: The way it is set up, I wouldn't say it is perfect for it, but it is the most conducive to that type of use.

Paula Kay, Esq.: How about some additional signage?

Mr. Churgin: That is fine. Any signs that the Board wants us to put up, we'll put up. That's no problem.

Town Engineer McGoey: I also heard that the children may be being instructed to make loud noises because of animals. Maybe the walking trail is not such a good idea. At all. Number one, for the safety of the children. Number two, they are not supervised on the trail. So maybe the trail should not be part of the special use permit.

Mr. Churgin: But that is taking away a large portion of his property. It's a big draw.

Chairperson Chester: Excuse me for one second. To audience: We had the public comment and we would appreciate the chance to discuss this with the applicant. Thank you.

Mr. Churgin: It would make a big section of the property unusable essentially.

Lou Kiefer: How long is the trail?

The Board looked at the site plan to see the length of the trail.

Jim Barnicle: Is it wooded within the interior of the outer trail?

Paula Kay, Esq.: What about limiting a portion of the trail so it has less of an impact on the neighbors.

Mr. Churgin: Let me ask a question. I am just speculating here. I think, if you are looking at the site plan map, tell me if I am wrong, the most offensive part is up here (shown). Town Engineer McGoey then showed Mr. Churgin the area in question.

Mr. Churgin: I mean, I don't think you are solving any problems by doing that.

Jim Barnicle: Is there a way to alter the trail that they don't by-pass the housing?

Mr. Churgin: That is what we were just discussing. The problem is that the houses are on the western border of the property.

Lou Kiefer: What if you limit the number of people on the trail at one time? Maybe spaced it out?

Jim Barnicle: They would have strict supervision by their supervisor.

Paula Kay, Esq.: They are supposed to. That was part of our original resolution. I don't see why that is a problem. It shouldn't be a problem.

Lou Kiefer: If you have three buses a day, you have a lot more than just fifty kids. Buses carry 55 to 60 seating capacity. I don't see why you cannot limit the amount of kids, children, people, whatever, on the trail at one time.

Mr. Churgin: They are not unsupervised. They have counselors with them.

Paula Kay, Esq.: Whatever number is there, let's reduce that.

Mr. Churgin: The number of people to enter the path at any one time should be managed to a number that we can all live with. They come on and go off and then another group can go on. It's like a conveyor belt.

Melinda Meddaugh: I am still concerned about this trail along this line. It seems like there are other ways to do it.

Jim Barnicle: If you go to the Fun Park at Holiday Mountain, each of the rides has a supervisor that beyond who brings the kids there, there is a supervisor that works for the park and he or she controls how many kids go on the climbing wall, how many kids go on the go carts. Can there be an employee if you will, a college kid who's a little bit older than the kids who are

going to be there, that says no, you can't go now, there's a group in there already. You have to wait. It happens at every amusement park you go to. However, its extenuating circumstances. When you are in the middle of nature, no problem. But you are in a neighborhood. So there is a difference.

Mr. Churgin: I think what the Board is saying is that someone should be stationed at the beginning of the trail. If people are going to sneak on to it, it's not something they can prevent. At the beginning of the trail, somebody will say "okay, once we reach forty guests, we stop".

Paula Kay, Esq.: But if you have fifty kids on site at a time, I think forty is too many to be on the hiking trail. So let's reduce that number.

Board discussed the disparity in the number of visitors to the park.

Mr. Churgin: Should we say thirty people on the trail?

Paula Kay, Esq.: I would say twenty five. I think we are going to say twenty five.

Chairperson Chester: If you only have fifty people on your busiest day, twenty five is not unreasonable.

Mr. Churgin asked for a moment to speak with his client.

Town Engineer McGoey: I don't know this for a fact but I think what might happen is that a group might come and they put them on the walking path while the other group is at the petting zoo. So it's kind of a holding. I am thinking that.

Paula Kay, Esq.: But then they have all the other things to do.

Chairperson Chester: Right. There are other things to do.

Chairperson Chester: We will cap the amount of visitors to the walking path at twenty five.

Paula Kay, Esq.: And we are going to have signs that say no bullhorns, no whistles and something about respecting the neighbors and their homes. That will be subject to Dick's approval.

Mr. Churgin: Tell us the language you want on the signs and we will put that language on the signs.

Jim Barnicle: And the signs should point in the right direction.

Chairperson Chester: Also, someone must be posted at the entrance of the walking path to control. Now, there has also been discussion about placing signage regarding the entrance to the park. I know we have one sign.

Mr. Oster: Town Engineer McGoeY told me he wants to see more signage.

Chairperson Chester: I think we are okay with the signs on the trail.

Mr. Churgin: I think what we heard from the public was that there is a mistake and people thinking that is the entrance. That is not his property. He can't post a sign on their property unless they say "post a sign on my property".

Lou Kiefer: But he can post a sign on his property advertising the entrance.

Discussion was had by the Board regarding the verbiage for the sign.

Michael Croissant: The issue is that they are turning into Hidden Ridge before they get to that sign. They never find that sign.

Mr. Churgin: What I am saying is we would be willing to put a sign at the entrance of Hidden Ridge saying this is not the entrance for the Family Fun Park and go down the street. But that is not our property. We can't do that.

The Board discussed sign locations.

Chairperson Chester: We have five different conversations going on at once and they are important issues. Do you have a proposal in mind for the signage?

Mr. Oster: Last meeting you had mentioned something that you had something in mind and I thought that meant maybe with the highway department would put those round signs where...I know in Rockland County there is brown signs on the Palisades showing that there is park or a scenic route or something in the town. You had mentioned something, I don't know if that is what you had in mind.

Mr. Churgin: I think what we would be willing to do and what would make sense is I would reach out to, I know the Vice President of Hidden Ridge was here, but I don't know if they have counsel, whoever from the Board, I would reach out to them and try to coordinate with them where we could come to an agreement that a sign would be put up wherever they want us to put it up on their property we would. It would be our sign so we would pay for the sign. And whatever they want it to say, it would say.

Paula Kay, Esq.: You need to check with the building department on size and location.

Logan Ottino: Your sign is farther in to your property. You probably could place one farther up on your property closer to the house or before the house and make it more visible.

Mr. Churgin. You are right, the sign should be closer.

Logan Ottino: The sign should say "200 feet".

Mr. Oster: She is saying have one 200 feet ahead of the entrance.

Paula Kay, Esq.: Yes, before you get to the entrance so that you know you are getting to the right place.

Logan Ottino showed Mr. Oster where he could place the sign on his property on the site plan.

Paula Kay, Esq.: I would like to see both suggestions from Logan Ottino and from Hidden Ridge.

Mr. Churgin: I can't tell you what they are going to do.

Paula Kay, Esq.: We understand, but just open that dialogue.

Chairperson Chester: Are you happy with your buses and your parking?

Mr. Oster: I was happy except on holiday when there was a big event and I thought it was tight. I could have maybe done it different. There were some spots that were empty along the entrance way. I did submit ...(inaudible) and I would like to be re-approved.

Chairperson Chester: You added a couple more? You liked how your bus parking worked for you? That was adequate and didn't have any problems?

Mr. Oster: No.

Chairperson Chester: You were happy with pedestrians?

Mr. Oster: Yes.

Melinda Meddaugh: There were other concerns about the hours of operation and now it wants to stay open until 8:00 p.m. How does that work with you open until 8:00 p.m. with the lighting on the park and the trails?

Town Engineer McGoey: It is light until 8:30 p.m.-9:00 p.m. In September, it's not.

Paula Kay, Esq.: I would assume that in September, which is intermittent use at most, that it won't be 8:00 a.m. to 8:00 p.m. or anything like that, but the idea is that there is an expectation that it could be. It most likely won't be.

Chairperson Chester: How many mornings, roughly, and evenings did you start at 8 and end at 8? What time did your business start?

Mr. Oster: I would say it starts at 11:30 a.m.

Chairperson Chester: And that meant everybody off the property at 8:00 p.m.

Mr. Oster: Yes.

Chairperson Chester: We will make that part of the site plan.

Melinda Meddaugh: And what was the need to open at 8:00 a.m., open earlier, if you were open at 12:00 p.m. this past summer? Why start operation of the Fun Park at 8:00 a.m.? What is the need? Why would you want to start at 8:00 a.m.?

Mr. Oster: Sometimes people request that time. They don't want to come when larger groups are there and they request a time before the larger groups.

Chairperson Chester: There is also a question about the one comment regarding the food.

Paula Kay, Esq.: The food is not really our issue. There was limited discussion about the food, there wasn't anything that was part of your approval resolution about the type of food. The Department of Health has to regulate that. As long as they are compliant with the Department of Health then it is really not a Town Issue.

Michael Croissant: As well as the animals on the site.

Paula Kay, Esq.: The animals are regulated by the USDA and I assume that you will continue to provide that documentation to the Town on an annual basis just so we can have it in your file.

Chairperson Chester: I believe that was all of the issues that were raised in the letters and the public hearing. So, we need a motion for a special use permit with all of the conditions we discussed.

Town Engineer McGoey: Also, modification to the site plan.

Paula Kay, Esq.: I just want to say one thing. As you know the Board is going to make a motion on both the expanded site plan and the special use permit. Should the Board approve it, you will be operational again in an ongoing fashion. If there continue to be complaints, those complaints will be, as they were last summer, sent over to the Building Department and then it becomes an enforcement issue, and we really don't want to get there, we would really like for this to be much smoother so that I think the Board went through this very carefully in order to make sure that your operation is successful but to also lessen the impact of your operation on your immediate neighbors. Regardless of what happens tonight, I think this Board is going to communicate with the Building Department and make sure that there aren't issues.

Mr. Churgin: Yes, understood.

Chairperson Chester: Based on the contingencies which we laid out tonight, do I have a motion?

Lou Kiefer made the motion to approve the application and it was seconded by Matthew Sush. 5 in favor, 0 opposed.

Lou Kiefer: Is this an extension of one year?

Paula Kay, Esq.: No. This is it. Just like the Board did for the bus depot, we asked them to come back after one season.

Mr. Churgin: If he violates the provisions of the approval...it's not like he has a blank check to do whatever he wants.

Chairperson Chester: Right. You would go to Court then.

Paula Kay, Esq.: On both approvals.

Mr. Oster: I am not looking for that.

Mr. Churgin: Thank you very much.

Chairperson Chester: I know it is only October, but it has been brought to our attention regarding the November 26, 2014 meeting. It is the day before Thanksgiving. In the past what we have done is not hold the meeting then and if something urgent should appear during that time frame and we have enough time, we will have a special meeting to address it.

Paula Kay, Esq.: My guess is, depending on what happens in Albany, you may have a special meeting for a lot of things or you may not have a meeting.

Jim Barnicle: With that said, should we not make a tentative date so if something does come up, we can at least try to keep our calendar clear? I think we should hear within days after the election if you believe them.

Paula Kay, Esq: How is Tuesday the 25th for a tentative meeting date should we need it.

The Board members had a discussion and agreed that would be acceptable.

Respectfully submitted,


Kathleen Brawley, Secretary
Town of Thompson Planning Board