

APPROVED

**TOWN OF THOMPSON
PLANNING BOARD
WEDNESDAY, APRIL 8, 2015**

IN ATTENDANCE: Chairperson Patrice Chester Lou Kiefer
 Matthew Sush Melinda Meddaugh
 Michael Croissant Bobby Mapes, Alternate
 Jim 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 was made to accept the March 25, 2015 meeting minutes was made by Matthew Sush and seconded by Bobby Mapes.

3 in favor; 0 opposed

CHERRY VALLEY BUILDERS, INC.

Old Sackett Road - S/B/L: 52.-1-17.9

Michael Davidoff, Esq. and Bradley Cleverly, MJS Engineering

Mr. Davidoff advised that the applicant has re-applied numerous times to obtain an extension of their subdivision approval. At this point, the applicant wants to sell the property. The applicant has a lot of money invested in the project, but it is difficult to make a go of it because of the size. Due to the recent economic increase, the applicant is hopeful they can sell it now.

Chairperson Chester advised that parkland fees are still an issue and the Board has a resolution. Attorney Paula Kay advised that the Town Board has given the Planning Board the power to determine whether there should be a set fee in variance from the established fee of \$1,000.00 per lot. That determination is based on what kind of facilities are proposed in the subdivision.

Mr. Davidoff advised that \$1,000.00 times 29 lots is substantial and he will have to discuss this with the applicant. The applicant has already lost a fortune on this. Attorney Paula Kay advised that the first half of the Parkland Local Law was enacted in 2008. The Parkland fees were never collected from the applicant. Mr. Davidoff advised that it was never mentioned to him or his client before a couple of years ago and that when he mentioned the fees to his client, they had no idea. Chairperson Chester suggested that if Mr. Davidoff's clients do not want to pay the fees, come back before the Board with revisions to the site plan showing recreational facilities. Mr. Davidoff noted that since this is the first time he has had a

definitive answer on the parkland issue, he will come back before the Board in three months with some sort of resolution. Chairperson Chester noted that the Board needs to resolve this before three months. Town Engineer McGoey added that these fees will be a condition of the Board's approval. Mr. Davidoff advised that his client has received a lot of extensions and they are not going anywhere. To make the applicant pay the fees or come back in a month with a revised site plan is too short. We are looking for the Board to accommodate us. We need an option. Attorney Paula Kay read the Town Law, which states "the parkland fees are to be collected by the Planning Board upon submission of any major subdivision application to ensure adequately sized parklands are contained within the proposed subdivision". The Town Board allows the Planning Board to adjust the fees, but they should have been collected sooner. They were not. That is our fault as well as the applicant's. Mr. Davidoff advised that he would be back in three months. Town Engineer McGoey advised that there could be different owners the next time you come before us and Attorney Paula Kay suggested that we condition approval upon no change in ownership and the imposition of parkland fees or parkland provided prior to next extension. This way, any new owner will be aware of those fees. Mr. Davidoff added that he objected to being put into a position to bring a check for \$29,000.00 in three months and that he wants the opportunity to either bring his client before the Board together with amended plans to include parkland or pay the fees.

Attorney Paula Kay advised that the Board wants to make sure that there is notice to any purchaser and that if there is no recreation shown on the site plan, the parkland fees will be \$1,000.00 per lot.

Matthew Sush asked what would happen if the applicant did not come back before the Board in three months and Attorney Paula Kay advised that their application would not be valid and they would have to start the approval over again.

A motion to approve an additional three month extension of the applicant's subdivision approval, subject to either no change in ownership within said three month extension or the payment of the parkland fees pursuant to Town Code, was made by Melinda Meddaugh and seconded by Lou Kiefer
5 in favor; 0 opposed

A motion to take the agenda out of order pursuant to Mr. Davidoff's request was made by Lou Kiefer and seconded by Matthew Sush
5 in favor; 0 opposed

MOTL, EMIL AND EILEEN
Osborn Road - S/B/L: 48.-1-2 and 22.10
Michael Davidoff, Esq.

Matthew Sush recused himself from this application and Chairperson Chester appointed Bobby Mapes as a voting member in his place for this application.

Mr. Davidoff noted that his clients are simply looking to combine two lots and provided a tax map which reflects the two lots in question. Town Engineer McGoey asked that Mr. Davidoff clearly mark what is being combined on the tax map. Attorney Paula Kay suggested that Mr. Davidoff label the lots to be combined in color and make a note with the name of the lot owners as well.

A motion for negative declaration motion under SEQRA was made by Lou Kiefer and seconded by Melinda Meddaugh.

5 in favor; 0 opposed

A motion to approve the lot improvement was made by Michael Croissant and seconded by Lou Kiefer.

5 in favor; 0 opposed

KULA/THOMPSON CINEMAS

4058 Route 42 - S/B/L: 13.-3-40.1

Amadour LaPut, Fellenzer Engineering

Mr. LaPut advised that he does not have an updated owner's proxy from the owners of the mall, but will provide the same as well. Mr. LaPut confirmed that the Town Engineer's comments issued in 2012 were updated on the site plan he provided to the Board. The site plan was approved and signed in 2013 and the Board confirmed the same. Town Engineer McGoey wants the application to be modified with the new mall owner's name. Town Engineer McGoey further confirmed that the applicant does not need to pay application fees or an additional escrow, just provide an updated application. Mr. LaPut advised that his client is looking for re-approval tonight subject to the Board's receipt of the updated owners proxy.

A motion for approval of the previously approved site plan was made by Michael Croissant and seconded by Matthew Sush.

5 in favor; 0 opposed

EMERALD CORPORATE PARK

Rock Hill Drive - S/B/L: 35.-1-9.1 and 9.6

The Board was provided with proposed revisions to §250-130 of the Town Code of the Town

of Thompson relating to the Emerald Corporate Center Planned Business Park District which were prepared by the Sullivan County Planning Department. More specifically, it was suggested to amend the same to address flex space and light manufacturing

Attorney Paula Kay advised that any application in this District would go before the Planning Board and we would use this for design guidelines. One issue the Board felt should be addressed is that the back lots adjoin residential roads. We should try to avoid that or perhaps establish a tree buffer along Adams Road. Also, land disturbance is an issue on the back lots and it should be limited as the back lots are steeper. Clearing of those back lots can be established by the Planning Board.

A motion to recommend that the Town Board adopt the revisions to §250-130 of the Town Code of the Town of Thompson relating to the Emerald Corporate Center Planned Business Park District was made by Lou Kiefer and seconded by Michael Croissant.
5 in favor; 0 opposed

A motion to end meeting at 7:25 p.m. was made by Matthew Sush and seconded by Lou Kiefer.
5 in favor; 0 opposed

Respectfully submitted,


Kathleen Brawley, Secretary
Town of Thompson Planning Board