

APPROVED

**TOWN OF THOMPSON
PLANNING BOARD
WEDNESDAY, April 22, 2015**

IN ATTENDANCE: Chairperson Patrice Chester Lou Kiefer
 Matthew Sush Melinda Meddaugh
 Michael Croissant Jim Barnicle, Alternate
 Kathleen Brawley, Secretary Logan Morey, Bldg. Dept.
 Paula Elaine Kay, Attorney
 Richard McGoey, Consulting Engineer

ABSENT: Bobby Mapes, Alternate

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

A motion was made to accept the April 8, 2015 meeting minutes was made by Melinda Meddaugh and seconded by Lou Kiefer.

5 in favor; 0 opposed

Since a representative of SunRanch was not yet present at the meeting, a motion to take the agenda out of order was made by Lou Kiefer and seconded by Melinda Meddaugh.

5 in favor; 0 opposed

VERIA LIFESTYLE AT BAILEYS LAKE

Anawana Lake Road and Fraser Road

Monticello, NY - S/B/L: 9-1-1.1, 1.2 and 7

Glenn Smith, P.E., Gary Silver, Esq. and Larry Boudreau

Mr. Smith advised that they have received the Town Engineer comments. Mr. Boudreau provided a color site plan photo. Mr. Smith responded to Town Engineer's Technical comments, advised that they would be asking for the Board to assume Lead Agency tonight and issue a negative declaration under SEQRA. Mr. Smith further advised that Health Department and DEC approvals required are being worked on by Mr. Boudreau's firm, but there are no issues foreseen. The employee parking lot was moved from its proposed location. Mr. Boudreau advised that there is a bio retention area to the west side of the proposed employee parking area, which is heavily forested. The idea is that the staff will park and be shuttled in with a little waiting building. This way they don't have to go through the main gate house. There will be a separate staff entrance into hotel and a separate parking garage for salaried type employees. Mr. Smith further advised that a permit will be required for deceleration ramp, etc., into the hotel. It's a County road so where the road ties in, we will get a permit. The sewer line will be going up Kutscher Road. Mr. Smith further advised that he will address Town Engineer's comments with the Fire Department concerning a siamese connection and that

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there will be water storage in the hotel as well. Town Engineer McGoey advised that the height of the building may require aerial access to the roof. Mr. Smith advised that there is a fire access road around the entire building. Mr. Boudreau advised that the height of the building is 75 feet. Logan Morey added that the applicant will need a minimum of 25 feet for an aerial access route for aerial access equipment. Mr. Smith felt that they meet those requirements, but will check. Mr. Boudreau advised that they have previously met with the Monticello Fire Department to see what they want. Mr. Smith further added that a 75 foot tall building is the maximum allowed in the zone. Mr. Smith advised that the pump station details are being worked on.

Mr. Smith further advised that he will find out the logistics for the restroom facilities in the gate house and respond accordingly. Chairperson Chester asked how the staff will know when they are being picked up, etc. and Mr. Boudreau advised that employees will be on shifts where one goes on, one goes off, etc. and it is time managed. Chairperson Chester felt that a restroom may be of benefit to employees as well.

Mr. Smith advised that the sewer line profiles will be provided. He also advised that the four lots which are a part of the project will be combined with necessary forms submitted. Signage will be shown on site plan. Mr. Boudreau asked if he could identify the location of signage on the site plan with a note that the detail will be designed by others. Chairperson Chester asked when the design will be ready and Mr. Boudreau was unsure. Mr. Smith advised Mr. Boudreau that this requirement is just to show that the applicants will not need a variance for the sign.

Mr. Smith further advised that handicap access for employee shelter is being done. They will show the sidewalks to the parking garages for guests. They will correct aisle space to increase from 25 feet from 24 feet. The details concerning the cul de sac, all improvements around the buildings, retaining walls and manholes will be provided. Our goal is to address these comments and resubmit the same on May 4, 2015.

Chairperson Chester noted that the correspondence received from the DEC and from the State Historic Preservation Office may be an issue. Mr. Silver advised that the letter received from the DEC in February advised that they thought it was an archeological sensitive property. In April, we received a letter from the State Historic Preservation Office saying it was not a problem. The State Historic Preservation Office is responsible for that and they have indicated there were no archeological issues. Mr. Smith advised that he addressed the questions from State Historic Preservation Office and that they issued a letter stating there were no adverse impacts. Attorney Paula Kay advised that since the DEC raised that issue, perhaps the author of the letter from the DEC should get a copy of the State Historic Preservation Office, which should cover that issue.

Town Engineer McGoey advised that the only other issue to address is the eagle habitat issue. Mr. Silver advised that allegedly, the site is less than 1400 feet from an eagle habitat an that

he spoke with the DEC. The DEC explained that they look at their database to see where nests are and that they thought that the edge of the buffer area of the nest is less than 1400 feet from the applicant's property line. Since the DEC did not see plans, they do not know the particulars about our site. The DEC knows where the nest is located, but it cannot be publicly disclosed. Attorney Paula Kay asked if the nest is on the applicant's property and Mr. Silver answered that it is not and it is a long way away from the site. Mr. Smith added that the nest has been there for 20 years.

Town Engineer McGoey added that there is no net increase in traffic.

A motion to declare the Planning Board lead agency was made by Lou Kiefer and seconded by Michael Croissant.

5 in favor, 0 opposed.

A motion to schedule a public hearing for May 13, 2015 was made by Matthew Sush and seconded by Lou Kiefer.

5 in favor; 0 opposed.

Melinda Meddaugh asked the applicants to please provide a more detailed site plan including signage, general details of how the buildings will look, etc., it would be appreciated. Mr. Boudreau advised that those details will be submitted.

Mr. Smith asked if the applicants need a negative declaration under SEQRA and Town Engineer McGoey advised that he prefers to issue a negative declaration after the public hearing, since it gives the Board time to address any potential issues. Chairperson Chester advised that if the Board issues a negative declaration, we can always amend it and Attorney Paula Kay advised the Board can amend Part 3 of the EAF. Melinda Meddaugh asked how the Board regularly issues a negative declaration and attorney Paula Kay advised that it has been done both ways, but obviously, the Applicant wants it tonight.

A motion for a negative declaration under SEQRA was made by Lou Kiefer and seconded by Michael Croissant.

5 in favor, 0 opposed.

Mr. Silver asked to address log cutting on the site. Everyone has been told by the DEC that the long eared bat is not an issue. However, at a conference last week, the US Fish and Wildlife said their regulations will go into effect May 4 and their limitations may be one acre or less of cutting. The bats' habitat is the entire State of New York. Attorney Paula Kay advised that the DEC did not state that. Mr. Silver noted that there are severe penalties in the event you violate any issue of the Endangered Species Act. The applicant hopes this does not go into affect, but it is not uncommon for State and Federal entities to not agree. We want to post a bond so we can log ten acres on the site. If the Fish and Wildlife regulations go into effect, we

cannot log until November, which puts the project into next year and will possibly the project entirely.

Mr. Silver asked Jim Bates to address the board concerning an annual conference he attended which was held by the Division of Fish and Wildlife, where an entire session on bats was conducted. Mr. Bates advised that he specifically asked about clearing a 10 acre site and Fish and Wildlife said they would want studies and they have the ability to ask for a the same. It appears that the DEC is avoiding phone calls concerning this issue. Fish and Wildlife is unclear and the DEC is not addressing the issue at all. Both agencies are reluctant to state what the regulations are until they go into affect. Attorney Paula Kay advised that when Aileen Gunther and the Town Supervisor spoke with the DEC, they were very clear that the Town would not be affected. The DEC also said there are no bat sites in the County, except for a small site on the Mamakating border. Mr. Silver noted that he would like to take the DEC at their word, but Fish and Wildlife has independent jurisdiction to impose criminal sanctions and fines if his client logs illegally.

Chairperson Chester noted that the Board has a definitive answer on how the issue will impact the Town. If that changes, we can address it at that time. We cannot change how we go about the way we approve this application solely based on the information provided tonight.

Mr. Bates advised that part of Supervisor Rieber's letter stated that the DEC's determination it is subject to Fish and Wildlife changes and that the problem is not knowing.

Mr. Boudreau advised that the area we are talking about is after a buffer of 25 feet from the lake and he showed on the map. It is about 10 acres. The entire area they are clearing will be about 28 acres, but the 10 acres can help start. It is not a flush cut and we will keep specimen trees.

Lou Kiefer asked how many trees are in a selective cutting? Mr. Boudreau advised that they are going to cut the corners of the building so that the developer can see the site. Michael Croissant asked if it is to show the footprint of the building and Mr. Boudreau confirmed it was.

Patrice Chester and Lou Kiefer asked for a vote. Jim Barnicle suggested that the Board leave it open and get something in writing that says the County is exempt from the bat issue. We can have an emergency meeting if necessary. Chairperson Chester agreed that the Board can always hold a special meeting. Attorney Paula Kay noted that practically, in order for the applicant to start that process, a bond would be required. The Town Engineer would need to review the matter and developers agreements would need to be drawn. Mr. Silver advised that his client would wire money and no bond would be required. Michael Croissant asked if this be done in two weeks? Logan Morey noted the applicants will need to get a building permit? Mr. Boudreau advised that they are flagging the property Monday.

A motion to approve the 10 acre logging site was not made.

BIRCHWOOD LEARNING CENTER - INFIRMARY BUILDING

762 Sackett Lake Road - S/B/L: 56.-1-32.32

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

Mr. Smith advised that although this operated last year, they are now trying to get Certificates of Occupancy. After a walk through by Town Engineer's office, they received a more extensive list of items that needed to be approved, including several we have already requested approval for. Mr. Smith prepared a summary of the items. To address the Town Engineer's comments, the size of the infirmary building, which was required by Health department was 18 feet, 8 inches wide. The volleyball court is temporary and can be easily removed. The number of beds in four cabins was originally nine beds per cabin. There are two over/under beds and six single beds in each cabin. The additional water and sewer use added by the extra bed is negligible. Only four of the eight cabins which were approved have been constructed. Also the shed by the pool which is 8'x16' is not a bathroom and there is nothing inside.

The applicant wants to do away with the handicapped parking spaces which are on the right side of the parking area to the site. They are well in the parking requirements and there is no need to keep them. Attorney Paula Kay wanted to know if they will replace them with regular parking and Mr. Smith confirmed they would be.

Mr. Smith advised that the pool screenage by the pump station is flush to the ground and the applicants want to eliminate the fence from the site plan. Town Engineer McGoey advised that since the applicants requested the fence, he has no problem removing it from the plan.

The site plan had 10 pole lights along the access drive, but there are 4 there now which are larger than what was shown and are more than sufficient. We had more wattage on the plan, but we are able to function with much less as installed. Town Engineer McGoey advised that the Board may be concerned about how bright the lights are. If you can give detail, that would be great since this is not what was on the original lighting plan.

Mr. Smith advised that on the site plan, the main entrance gate was a 20 foot wide gate, but a 15.5 foot wide gate was installed, which meets Code and we want to change the plan to reflect that.

Mr. Smith continued. The connecting drive between the Learning Center and Birchwood Estates has constant traffic. In his comments, the Town Engineer wants it removed, but we want to keep it. It keeps traffic off of Sackett Lake Road. Attorney Paula Kay asked the Town Engineer why he raised this issue and Town Engineer McGoey advised it was simply because it was not on the site plan. Matt Sush asked about sight distance and Mr. Smith advised that it is a five miles per hour zone.

Mr. Smith advised that there were two catchbasins that we did not install because there is very little water coming down because we are catching in drains installed above and the catchbasin next to the well was not installed because it would have been an issue next to the well. Town Engineer McGoey asked about specific flooding issues and Mr. Smith said he would address the same. Mr. Smith advised that around the pool, the original plan was for a six foot fence, but a 6 foot fence was installed in the front and a 5 foot fence was installed in back. The Health Department only requires four. Logan Morey confirmed that this is fine. The original plan showed a ten foot high fence around the basketball court, but they would rather not build it, since the court is surrounded by trees. Attorney Paula Kay asked Mr. Smith to confirm that he was just taking off of the plan and that there is no requirement for the fence, which Mr. Smith confirmed.

A motion for a negative declaration under SEQRA was made by Michael Croissant and seconded by Melinda Meddaugh.
5 in favor, 0 opposed.

A motion for a revisions to the previously approved site plan made by Lou Kiefer and seconded by Melinda Meddaugh.
5 in favor, 0 opposed.

CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS
and BROOKWOOD GUNNERS AND ANGLERS ASSOCIATION

Rock Hill Drive, Rock Hill, NY - Section 32 Block 1 Lot 1
Hyde Clark, Esq., Young/Sommer

Mr. Clark reminded the Board that this application was before the Board on February 25, 2015 for approval until it was learned that a variance from the ZBA was required. The variance was granted on April 14, 2015 by the ZBA. Mr. Clark provided updated plans for the Town and showed notes concerning painting, repairs and the fence.

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

A motion for a revisions to the previously approved site plan made by Melinda Meddaugh and seconded by Lou Kiefer.
5 in favor, 0 opposed.

GARDEN HILL ESTATES

50 Strong Road, Monticello, NY - S/B/L: 1-1-12

Abe Berkovic

Mr. Berkovic confirmed that he has received the Town Engineer comments and that they received all of the requested variances from the ZBA. None of the setbacks are being made worse. Parking is not an issue on Strong Road. Residents park in lot or in designated areas, which Logan Morey confirmed.

Chairperson Chester asked about a water issue off of the driveway and Mr. Berkovic advised that there may be a catch basin which is clogged. Town Engineer McGoey advised that he did not know what is causing the problem, but it must be solved. The Highway Department says the new paved road from the site is putting water onto Strong Road. The applicants were supposed to re-ditch along Strong Road and it was not done. It should be done now, not just before the start of the season. It will be necessary for the applicant and their engineer to meet with the Highway Department and the Town Engineer to address the same. Mr. Berkovic advised that he will meet with the engineer and have him address the issues raised. Logan Morey asked if the Health Department signed off on the septic system and Mr. Berkovic advised it was done and they are working on obtaining a copy. In any event, the Health Department would not allow the applicants to occupy the premises without having an approved septic system. Mrs. Morey felt that may not always be the case and she wants to see a sign off letter.

Melinda Meddaugh noted that since the property is on a hill, it is very bare, with no trees. If you are having storm water and runoff issues, trees and planting would help a lot. Mrs. Meddaugh also asked about signage, since it is not noted on the plan. Town Engineer McGoey advised that there is a sign on a rock and the gates are noted. Mrs. Meddaugh said she would like to see more tree planting. Mr. Berkovic advised that basically, half of these units will not be built, but the applicants wanted to get approvals it all at once. Attorney Paula Kay reminded Mr. Berkovic that variances are only good for six months. The Building Permit process was discussed with the Board and ultimately Mr. Berkovic said that building is not going to happen this season, and it will probably start at the end of the summer. Mr. Berkovic further added that all of the units with proposed extensions are not for bedrooms. They are for living space and there will be no increase in bedrooms.

Chairperson Chester recommended that Mr. Berkovic meet with the Town Engineer as there is a neighbor who has issues. A discussion was had to discuss whether or not a public hearing would be beneficial and after discussion, the Board decided a public hearing should be scheduled for May 13, 2015.

A motion to schedule this matter for a public hearing on May 13, 2015 was made by Lou Kiefer and seconded by Michael Croissant.

5 in favor; 0 opposed.

SUN RANCH BUNGALOWS

162 Fraser Road, Monticello, NY - S/B/L: 8.-1-38

D. Randel Wasson, P.E.

Mr. Wasson advised that the applicant received variances last week from the ZBA for the proposed porches. They have building permits to level up some of the duplex bungalows (units 9/10 and 14/15). They have small porches on them. They want to enlarge the porches to make them the length of the building. The site plan was noted with the new variances and a note concerning an old addition on Unit 17 which was not built was taken off of plan. Also, the note about approval for replacing Unit 6 was removed, as it is in the process of being reconstructed in the same footprint right now.

Melinda Meddaugh noted that all of the trees in the front of the premises which were in the Town's right of way have been cut down by the Town. The Board wants to have the applicant plant some new trees. The fence in the front of the premises is in rough shape. If the applicant could replace the fence and make it look nicer, it would be appreciated and not a chain link fence, if possible. Whatever they do in the back and sides is not a concern. It appears that 23 trees were cut down. Maybe put in less trees, groups of three pines or maples. With a new fence and groupings of new trees they could cut down on the number of trees and obviously, not plant them out of the right of way. Attorney Paula Kay advised that the Highway Department suggested they plant them back from the right of way. Mr. Wasson advised that the fence may be an issue. Wood may not be feasible. Children play on the site and they need safety. Melinda Meddaugh suggested a picket fence. Town Engineer McGoey suggested an architectural vinyl or metal fence. Attorney Paula Kay advised Mr. Wasson that whatever fence you come up with, please submit the same to the Town Engineer to review. Town Engineer McGoey added that if there is only a roof and no sides on the porches, please note that on the site plan as he does not want to see them end up enclosed. Mr. Wasson confirmed he would note that. The Board discussed the possibility of a public hearing and after discussion, it was determined that no public hearing would be necessary.

Site plan approval to landscaping, fencing, notes on porches, Lou, Mel all in favor.

A motion for a negative declaration under SEQRA was made by Melinda Meddaugh and seconded by Matthew Sush.

5 in favor, 0 opposed.

A motion for a revisions to the previously approved site plan subject to the installation of trees and fence approved by the Town Engineer, together with confirmation that the notes suggested by the Town Engineer were added to the site plan, was made by Melinda Meddaugh and seconded by Lou Kiefer.

5 in favor, 0 opposed.

A motion to end meeting at 7:30 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