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**TOWN OF THOMPSON  
PLANNING BOARD  
WEDNESDAY, November 11, 2015**

**IN ATTENDANCE:**      Acting Chairman Lou Kiefer      Michael Croissant  
                                 Matthew Sush      Jim Barnicle, Alternate  
                                 Bobby Mapes, Alternate      Kathleen Brawley, Secretary  
                                 James Carnell, Director, Building/Planning/Zoning  
                                 Paula Elaine Kay, Attorney  
                                 Richard McGoey, Consulting Engineer

**ABSENT:**      Chairperson Patrice Chester and Melinda Meddaugh

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

A motion to accept the October 28, 2015 meeting minutes was made by Michael Croissant and seconded by Matthew Sush  
3 in favor; 0 opposed

A motion to take the agenda out of order was made by Michael Croissant and seconded by Matthew Sush  
3 in favor; 0 opposed

**CONCORD ASSOCIATES  
Concord Road – Monticello, NY  
Henry Zabatta**

The applicant was before the Board in June 2015 to get an extension of their approved site plan. At that time, they eliminated the harness track and the realignment of Concord Road. The applicant is still determining what they are going to put on the property. They have an approval for a 250 room hotel, but they have a pad for a casino which they cannot put in. They may construct a convention center. They are waiting on the decision with the casino, as it is difficult to get financing without a license. They have heard about the water park and they would like to sit down with this Board to see what they could put in to complement that. They are looking for an additional six month extension. Mr. Zabatta is meeting with the Town Supervisor next week concerning developing the site.

A motion for a six month extension of the previously approved site plan was made by Michael Croissant and seconded by Matthew Sush  
3 in favor; 0 opposed

**JOSEPH M. BARONE  
178 Serenity Lane, Monticello, NY - S/B/L: 49.-1-4.16 and 49.-1-4.17  
Barbara Garigliano, Esq., Glenn Smith, P.E.**

Mrs. Garigliano advised that the applicant is here for a lot improvement to combine the smaller

lot with the larger lot. They need it to address the tennis court setback issue.  
A motion to approve the proposed lot improvement was made by Michael Croissant and seconded by Matthew Sush  
3 in favor; 0 opposed

Mr. Smith advised that the height of the garage is 17 feet and only 15 feet is permitted. The square footage is also an issue, as only a 400 square foot accessory building is permitted in the zone.

Acting Chairman Kiefer asked what the garage is used for and was advised that the applicant's intent is to store accessory items which he will not store in the garage, such as tires and yard equipment. Mrs. Garigliano advised it is a residential use and the main garage will primarily be used for storing cars.

A motion to waive the height and square footage requirement for the existing garage was made by Michael Croissant and seconded by Matthew Sush  
3 in favor; 0 opposed

**PRIMAX PROPERTIES LLC/5 STAR LAND DEVELOPMENT**  
**Glen Wild Road, Rock Hill, NY - S/B/L: 32.-1-22**  
**Larry Marshall, P.E., Mercurio, Norton, Tarolli & Marshall**

Town Engineer McGoey advised that there is a question about setbacks from the property lines. The Board knows the applicant needs a variance for the lot size, but wonders if the applicant needs other variances for setbacks, etc.? Mr. Marshall advised that the applicant will need variances, but they meet all of the front, rear, side and lot size requirements. They may need a variance on the amount of required parking spots and permitting two residences on one lot. Attorney Paula Kay advised that the Board feels the applicant does need variances as the non-conformity is expanding. The Board can deny this application now and send the applicant to the ZBA, or you can work on this application further and go to the Board later. Mr. Marshall advised that he would like the denial and referral to the ZBA now. Mr. Marshall questioned if a variance in the number of required parking spaces could be waived. The number of spots required is 46 and they have proposed a total of 35 spots. The applicant has an additional 7 parking spaces which would be reserved and not constructed at this time. Dollar General does not want these spaces based on the size of the store. They really only want 32 to 34 spaces. There are 2-3 employees on site at any one time. Other Dollar Generals in the area have been constructed with similar parking structures. It depends on the size of the community. The Town of Fallsburg Dollar General has 38 spaces, which was requested due to their heavy summer traffic. In no way have they ever exceeded 38 spaces. It is not just the cost, but the maintenance associated with the additional spaces. They have no issue operating with the reduced parking spaces. Attorney Paula Kay advised that the Board does have the ability to issue a waiver, but not until we receive more specific plans from the applicant. Bobby Mapes asked why they cannot just get a variance from the ZBA for the parking spaces and Town Engineer McGoey advised that this Board has historically issued such a waiver. Mr. Marshall advised that he is here to make sure he knows exactly what variances they need before they proceed to the ZBA. Dollar General has no problem constructing the 46 spaces, they would just prefer not to do so.

Attorney Paula Kay advised that this Board can determine the parking waiver, but they will need to see more documentation from the applicant before they do so.

Town Engineer McGoey advised that in the HC-1 zone the lot size minimum is 40,000 square feet and the proposed retail space is in conformance.

Mr. Marshall clarified that he is seeking variances to expand the pre-existing non-conforming lot that the two residential dwellings are located as well as the lot size.

A motion to deny this application and refer the same to the Zoning Board of Appeals was made by Matthew Sush and seconded by Michael Croissant.  
3 in favor; 0 opposed

**CONGREGATION ICHED ANASH and VERIA LIFESTYLE, INC.**  
**Anawana Lake Road, Monticello, NY - S/B/L: 6.-1-14.1 and 6.-1-15**  
**Barbara Garigliano, Esq.**

Mrs. Garigliano advised that there was a previous agreement between the Congregation and the former Kutsher's Hotel to exchange lands to correct density issues, etc. Part of this transaction was recorded, but the other part was not. They are here tonight to finalize this transfer. The lot will be 69.11 acres after the transfer is complete. The applicant wants to have the map re-approved, with the new name change of Veria as well.

A motion to approve the lot improvement was made by Matthew Sush and seconded by Michael Croissant.  
3 in favor; 0 opposed

**MACHNE MIVTZER HATORAH**  
**218 Hilltop Road, Monticello, NY - S/B/L: 41.-1-24.1**  
**Larry Marshall, P.E. and Joel Kohn**

Acting Chairman Kiefer advised that the Board feels that the applicant needs more parking on the site. The plan shows overflow parking, but in rainy weather, that may not be feasible. There should be some provision to have that overflow parking permanent. Mr. Marshall advised that there are 29 spaces shown on the site right now. Mr. Kohn advised that there are actually 32 spaces and he showed the same on the plan. Mr. Kohn advised that there will never be more than 15 cars on the site. Mr. Kohn advised that the campers do not drive. Michael Croissant asked how many staff members there are and Mr. Kohn said 15. Michael Croissant asked if there would be cooks, nurses, etc. Mr. Kohn advised that the Camp Machne Keren Hatorah on Hamilton Road is very similar. They have no parking on that site. They have very few cars parked at that Camp. Jim Carnell advised that Machne Keren Hatorah is not a good example. Bobby Mapes advised that there was not sufficient parking for the former day camp. Joel Kohn advised that there were 300 kids brought in and out every day. At this proposed camp, they will stay on site and traffic will be minimal. Some staff will have vehicles, but Mr. Kohn does not believe there will be more than 15 cars parked on the site on a day to day basis. There are no

parent visiting weekends which would invite more traffic. Town Engineer McGoey advised that ultimately, the applicant must show more parking. Attorney Paula Kay advised that although premature, the applicant could give us a copy of the application given to the Department of Health, which would be more specific to the number of staff, campers, etc. That may make the Board more comfortable. Mr. Kohn suggested that they show a place where they can have overflow parking that the Building Department could control and the Board all felt that was not going to work. Town Engineer McGoey felt 20 additional parking spaces would be sufficient. Mr. Marshall discussed other areas where parking could be added to the site plan. Mr. Kohn advised he will add additional gravel parking to the site plan.

With respect to landscaping, the Board felt the applicant needed more. Mr. Kohn thought there was enough landscaping at the front of the site and Michael Croissant disagreed, as he drives by the site every day and can see clearly to the buildings on site. Attorney Paula Kay advised that more landscaping may make the site more appealing to the neighbors. Mr. Marshall advised he would suggest evergreen trees.

Jim Barnicle asked about the noise concerns. Town Engineer McGoey advised that the site plan specifically prohibits no sound system utilized on the site and that future sound systems will be approved by the Planning Board. Attorney Paula Kay advised that it should be specific and state that "no loud speakers, no whistles, no bullhorns shall be used". Mr. Marshall felt that no whistles was unfair as they may conduct games, etc. Attorney Paula Kay advised that on another project, campers were being corralled by whistles which was a nuisance to neighbors. That is why the Board is specifically asking that it not be utilized. Mr. Marshall just wants to ensure that if someone uses a whistle to referee a basketball game they could be violated. Town Engineer McGoey advised that they could specify in the note "no whistles, except for officiating organized sports during daylight hours".

Michael Croissant advised that he has an issue that the homeowners adjacent to this project are unhappy with this project. Why would we have a public hearing to hear that they are unhappy and then allow the project to go forward? Attorney Paula Kay advised that the purpose of a public hearing is to flush out potential conflicts or problems, such as lights, noise, traffic, which the Board has been addressing. Members can vote how they want to vote. The Board can vote for or against the application or wait to see the revised plans. Michael Croissant wants to see the revised plans. Matthew Sush felt that if it is just a parking lot, it really is not a big deal.

The Board discussed that any approval would be subject to outside agency approvals, landscaping, parking and technical comments which the Town Engineer may find afterwards.

A motion for negative declaration motion under SEQRA was made by Matthew Sush. No second was made.

Based on the foregoing, the Board could take no further action tonight. Mr. Marshall will revise the plans and come back before the Board.

**GARDEN HILL ESTATES**  
**50 Strong Road, Monticello, NY - S/B/L: 1.-1-12**  
**Abe Berkovic**

Mr. Berkovic advised that the applicant previously received the requested variances from the ZBA and worked out the details with the Town Engineer to the site. Not all of the extensions will be built but the Building Department felt that it was best that they do a unified application to do all of the extensions at once. Mr. Berkovic does not feel that more than 50% of the extensions will actually be built. Acting Chairman Kiefer asked whether there was a time limit and Attorney Paula Kay advised that they have one year from the date of approval. Mr. Berkovic advised that this may make people construct their extensions now, rather than have to go through the process again.

Mr. Berkovic advised that the parking areas have been addressed. Town Engineer McGoey asked for clarification about parking on the site and Mr. Marshall showed Town Engineer McGoey the same on the site plan.

Mr. Berkovic advised that all of the extensions are for living space and not bedrooms. Some will be decks, but they do not have the exact blueprint. Town Engineer McGoey advised that they will need to know if they are open decks or covered decks. Mr. Berkovic advised that many of the owners do not have blueprints, so they don't know what percentage of the extension will be a deck.

Perhaps permitting the owners to come before the Building Department with a revised site plan with their home specifications on it at that time would be okay. Town Engineer McGoey advised that this is an administrative issue which may leave too much to question. Is it a deck? Is it all living space? Acting Chairman Kiefer felt that this was too much to leave open. Attorney Paula Kay agreed. Mr. Marshall advised that as proposed, it is all living space. If they chose to make half living space and half deck or all of it living space, he is not sure why it is an issue, if we are ensuring that the extension will only be in the area shown on the plan. Town Engineer McGoey advised that this would be okay; that could be done administratively. Mr. Berkovic advised that they will not go larger than the area shown and decks will not extend beyond that area shown.

Town Engineer McGoey advised that there is insufficient landscaping. Mr. Berkovic advised that they previously showed landscaping on their site plan, they were planted, but in a different area. They would not be against more landscaping, but they want to plant it in different areas. Melinda Meddaugh provided photographs of areas that she felt needed more landscaping, including the first entrance and detention basin. Mr. Berkovic provided photographs. Town Engineer McGoey advised that they need landscaping along the entrances, detention area and along the new access drive. Landscaping along Strong Road is really not necessary. Mr. Berkovic advised that the property does have nice trees throughout and he provided photographs. The Board agreed. Town Engineer McGoey advised that the Board has no preference, but they could use red oaks, etc. Mr. Marshall asked what Town Engineer McGoey thought would be used along the detention area and Town Engineer McGoey advised evergreens would be

A motion for negative declaration motion under SEQRA was made by Michael Croissant and seconded by Matthew Sush.

3 in favor; 0 opposed.

A motion to approve the amendments to the previously approved site plan subject to the Town Engineer's technical comments and approval on the landscaping was made by Matthew Sush and seconded by Michael Croissant.

3 in favor; 0 opposed.

**MYUNG AE LEE**

**34 Goldfarb Road, Monticello, NY - S/B/L: 4.-1-87.2**

**Tim Gottlieb, P.E.**

Matthew Sush wanted to place on the record that his Aunt and Uncle are adjacent owners to the subject parcel, but he has no financial interest into their property.

Mr. Gottlieb advised that the applicants want to convert the existing building into a physical therapy office and apartment. The applicants will live in the proposed apartment. Parking is shown as per the code. Acting Chairman Kiefer asked if it could be considered a home occupation if the applicants are living in it, but Town Engineer McGoey said it could not, as they will have employees. Town Engineer McGoey asked if Mr. Gottlieb found where the limits of Goldfarb Road are. The tax map only shows to the back property line. The former surveyor said it stops at the property line. Mr. Gottlieb had no problem with the Town Engineer's comments.

A motion to schedule a public hearing on December 9, 2015 was made by Matthew Sush and seconded by Michael Croissant

3 in favor; 0 opposed.

**SUNRANCH FAMILY LLC (Unit 24-25)**

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

**Joel Kohn**

Acting Chairman Kiefer advised that the applicants have not performed any approved work on the site for the past two years. Mr. Kohn spoke to the Board members and they have advised they will have everything in before the summer 2016. This particular project needs to go before the ZBA. Acting Chairman Kiefer advised that the Board felt they could not proceed until they take care of everything that was previously approved. It is the applicant's fault that they did not proceed in a timely manner. They have no compactor. The dumpster is not enclosed. These are issues outstanding since 2013.

**AJ PANTEL**

**49 Foss Road, Monticello, NY - S/B/L: 24.-1-27 and 24.-1-60.2**

Attorney Paula Kay noted that Mr. Pantel received all of his variances requested. Mr. Pantel discussed the unimproved lot first. All variances requested were approved. Mr. Pantel has his primary storage area will be located on the unimproved lot. He has temporary storage on the site.

There are barrels and scrap on the site. Once we get this issue resolved, he will get rid of the scrap and the copper will be consolidated. He wants to extend the fence parallel with Foss Road of the same stockade material as exists. On the lot line adjoining the properties, he wants to install additional stockade fencing. Acting Chairman Kiefer asked if it was all stockade and Mr. Pantel advised that on the unimproved lot, he wants to use stockade fencing. Mr. Pantel feels that trees and the additional fencing will mask any items stored on the lot. Attorney Paula Kay asked if the dimensions of the storage are still 90x60' and reminded him that it has to be exactly what is approved and he cannot change it after the fact. The storage building dimensions will be 100'x75' and he will extend the fence along the side lot line to 80 feet.

Town Engineer McGoey advised Mr. Pantel to change his plan to reflect the new size of storage areas and the stockade fence dimensions.

With respect to the house lot, Mr. Pantel advised that he located a survey from March 1990. He also received variances on this site as well. His storage building is visible from Route 17 and he wants to offer fencing or shielding as the Board would like, perhaps metal fencing. His neighbor has similar fencing on his site. The trailer is approximately 12.5 feet high, which is six feet about the existing stockade fence. He just wants to put the metal fencing on the area facing Route 17. Bobby Mapes suggested green may be better and Mr. Pantel advised he will go with whatever the Board wants. Town Engineer McGoey felt that it was more visually appealing to go with the stockade fence and the Board agreed. Mr. Pantel felt that stockade fence was fine. Town Engineer McGoey asked him to confirm the length of the fencing. Mr. Pantel advised that his neighbor's home is within 10 feet of Foss Road and his carport is in front of the storage trailer as well. The only way to see this trailer is on a specific part of Route 17B. If the Board wants him to protrude towards the road, he will but going back is useless. Town Engineer McGoey suggested Mr. Pantel use the same location from the road now and go back beyond the trailer 10 or 20 feet. Mr. Pantel felt that 10 feet was not a big deal. Town Engineer advised that he needs to show it on the site plan.

Mr. Pantel advised that in 1971 his building permits were never closed out. The deck on the rear of the building has deteriorated. He spoke with the Building Department how to proceed. He will get a building permit to construct a new deck on the back of the house.

Mr. Pantel advised that the camper trailer in the lower section of the property (northeast corner) will be removed. Town Engineer McGoey asked that this be noted on the site plan and when it will be removed.

A motion for negative declaration motion under SEQRA was made by was made by Matthew Sush and seconded by Michael Croissant.  
3 in favor; 0 opposed.

A motion for site plan approval, subject to the Town Engineer's review of the final site plan with the amendments as discussed was made by Michael Croissant and seconded by Matthew Sush.  
3 in favor; 0 opposed.

**JEFF BANK**

**18 Anawana Lake Road, Monticello, NY – S/B/L: 13.-2-3.4**

**Tim Gottlieb, P.E.**

Matthew Sush recused himself from participating in this application as he is employed by Jeff Bank. Acting Chairman Lou Kiefer appointed Jim Barnicle as a voting member for this application.

Mr. Gottlieb advised that the applicant needs an amendment to the site plan for the construction trailer on the site. Town Engineer McGoey advised that the trailer is in a different location than what was shown on the plan and Mr. Gottlieb advised that it was moved to the area shown on the plan today.

A motion for negative declaration motion under SEQRA was made by was made by Michael Croissant and seconded by Jim Barnicle.  
3 in favor; 0 opposed.

A motion to approve the modification to the previously approved site plan was made by Michael Croissant and seconded by Jim Barnicle.  
3 in favor; 0 opposed.

**CARDINAL SQUARE REALTY LLC/DUNKIN DONUTS**

**253 Rock Hill Drive, Rock Hill, NY - S/B/L: 32.-1-39**

**John Fuller, P.E. and Duncan Cameron Dunkin Donuts**

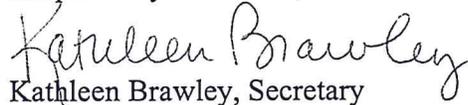
Mr. Fuller advised that this application was previously approved by this Board for a retail and service establishment, but this Dunkin Donuts will be for eating and drinking establishment. They need to amend their approval to reflect that. Signage that is required by Dunkin Donuts is shown as well as the drive-in and seats where patrons will eat was also shown. As is common in a lot of facilities, the Dunkin will be common with the pharmacy and not separate. Jim Barnicle asked how many seats and Mr. Cameron advised there will be five seats. Town Engineer McGoey asked the applicants to show where the signage will be and Mr. Fuller showed the same on the plan. There are existing signs on the site right now, for driving around the building. There will be sign directing where the drive in is as well as a preview board. Following that will be a menu board and ordering area. Mr. Cameron advised that the preview board will be along the back corner of the building. The menu board will be about two cars away. Jim Barnicle reflected that they will not be seen from the street and Mr. Cameron confirmed they will not be visible. Attorney Paula Kay advised that another member advised that the signage on the White Lake store is gaudy. Mr. Cameron advised that there will be no signage of that type on this site. They will match the size of the existing signs on the building. The drive through is in the back of the building, there will be no car-queuing. This is an ideal location.

A motion for negative declaration motion under SEQRA was made by was made by Matthew Sush and seconded by Michael Croissant.  
3 in favor; 0 opposed.

A motion to amend the previous site plan approval to reflect that it is for an eating and drinking establishment was made by Michael Croissant and seconded by Matthew Sush.  
3 in favor; 0 opposed.

A motion to adjourn the meeting at 8:40 p.m. was made by Matthew Sush and seconded by Michael Croissant.  
3 in favor, 0 opposed.

Respectfully submitted,



Kathleen Brawley, Secretary  
Town of Thompson Planning Board