

APPROVED

**TOWN OF THOMPSON
PLANNING BOARD
WEDNESDAY, January 28, 2015**

IN ATTENDANCE: Chairperson Patrice Chester
Michael Croissant
Melinda Meddaugh
Kathleen Brawley, Secretary
Richard McGoey, Consulting Engineer
Logan Morey, Building Dept.

Lou Kiefer
Matthew Sush
Bobby Mapes (alternate)
Paula Elaine Kay, Attorney

ABSENT: James Barnicle (alternate)

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

A motion to accept the January 14, 2015 meeting minutes was made by Lou Kiefer and seconded by Michael Croissant
5 in favor, 0 opposed

EPR CONCORD II, L.P.

**Joyland Road - S/B/L: 23.-1-65.2, 23.-1-65.3, 31.-1-19.2,
31.-1-17.1, 23.-1-65.1 and 23.-1-51.2**

Steven Vegliante, Esq. and Michael Fogel, Esq.

Mr. Vegliante advised that his application is for a lot improvement, however, the applicant needs several variances and would like to be referred to the ZBA.

A motion to deny the application and refer the same to the Zoning Board of Appeals was made by Melinda Meddaugh and seconded by Lou Kiefer.
5 in favor, 0 opposed.

Mr. Fogel advised that in June 2014, the Board approved EPR's amended site plan and a resolution was adopted which contained a series of conditions which were incorporated in the final amended site plan. EPR has been working on satisfying the conditions, most of which involved obtaining permits from the DEC. The Army Corps of Engineers permit should be granted shortly; they recently had a meeting with Corps and they are working on issuing the permit. The other conditions to the site plan relate to items to be satisfied right before construction. Erosion and sediment work and tree clearing has commenced on the site. The security and escrow agreement is in place. Things are moving forward on the site. The applicant needs an extension of time to satisfy the conditions of the site plan approval. We think six months should be sufficient.

A motion to extend the applicant's site plan approval for an additional six months to remedy the conditions noted on the site plan was made by Lou Kiefer and seconded by Michael Croissant.

5 in favor, 0 opposed.

Attorney Paula Kay advised that the last item for EPR that the Board needs to discuss is the proposed water park. On December 10, 2014, this Board adopted a resolution regarding its intent for lead agency. An EAF was transmitted to all involved agencies on December 17, 2014 and the time frame has run its course. EPR wants to make sure that there was something in the file and they provided a proposed resolution confirming the same.

Since Lou Kiefer was the Acting Chairperson at the December 10, 2014 meeting, Mr. Kiefer asked for a motion to sign the Resolution as provided and the motion was made by Matthew Sush and seconded by Melinda Meddaugh.

4 in favor, 0 opposed.

CATSKILL KOSHER CENTER - 4 Feldman Circle - S/B/L: 6.A-1-4

Joel Kohn and Tim Gottlieb, P.E.

Lou Kiefer asked why this project could not be moved to a different property on the site, as this is clearly an inadequate site for a grocery store. Mr. Kohn advised that the applicants do have a plan to build a strip mall with a couple of stores in it in the future, but it is not feasible now because of a lack of funds. This store is going to be eventually converted to a house. There is sufficient parking according to PUD regulations. We will remove two parking spots per the Town Engineer's instructions. We can reduce the side of the building a little for more clearance for parking. Storage is going to be in the basement. There will be an elevator to move the stored items from the basement to the store. Mr. Kohn admitted that the site is tough, but there is no property nearby which is proper for the site. Attorney Paula Kay asked if the tenants in the apartments above the store going to be related to the grocery store and Mr. Kohn advised they would not. Bobby Mapes asked about egress and Mr. Kohn advised it will be by State Code, although he did not think they will need access to the back of the home. Mr. Mapes noted that if the applicants are going to eventually convert the premises to a residence, you might want that egress. Mr. Kohn advised that if that happens, we will have to come back before the Board for site plan approval. Mr. Kohn further noted that the first floor is grade level. We will address the Town Engineer comments.

Town Engineer McGoey asked about the sewage pump station on the site. Mr. Kohn advised that they are going to turn it over to the Town. Mr. McGoey advised that it will take a long time to accomplish that. It will have to be replaced before the Town will take it over. This has been discussed since August of last year, with a pump sitting outside of the station. There are overflows and alarm lights going off which are not being addressed. Mr. Gottlieb advised that he spoke with David Berger and their engineers. They are talking about making that a wet well pump station and it is in the works; they are getting their funding together. Mr. McGoey commented that it will be months before that happens. Attorney Paula Kay asked what the change will be in the system and Mr. Gottlieb advised that the pump was submersible and the

Town prefers a pump on top. Mr. McGoey advised that this building just adds additional flow to a pump station which is already not working. Mr. Kohn noted that hopefully he will come back in two meetings and be able to give the Board more information.

Chairperson Chester noted that the majority of the comments seem to be for space, parking and landscaping. Mr. Kohn advised that they will try to make the best of the site. Chairperson Chester asked about storing shopping carts on the site and Mr. Kohn advised they will widen the sidewalk a little bit. There will be room outside for them. Chairperson Chester asked about the carts that are not returned? It does happen.

Bobby Mapes asked if it was possible to shrink the building a little bit? Mr. Kohn advised that they are shrinking it a little, but we don't want to go too small. Town Engineer McGoey suggested abandoning the apartments for now and Mr. Kohn questioned what they could do with them. Town Engineer McGoey suggested leaving them vacant. You would lose two required parking spaces that way. Mr. Kohn felt that they had enough spaces, but Town Engineer McGoey felt they need to get more space. Mr. Kohn advised that the women who primarily use the store do not drive and they will not need parking. Lou Kiefer mentioned that the same argument was made for the grocery store at Ichud and there are tons of cars there each summer. Mr. Kohn noted that this store is basically for the Viznitz community here. Mr. Kiefer noted that this was the same argument made for Ichud. Once again, Mr. Kohn advised that he felt they had enough space. Mr. Kiefer suggested that they make it smaller and extend it later. Chairperson Chester advised that the Board is trying to help you work with what you have. Mr. Kohn advised that they have had several work sessions with Town Engineer. There is not much room to shrink it further.

Melinda Meddaugh asked about the Town Engineer's comment concerning storm water flows and Mr. Kohn advised that they will probably design something underground the parking area.

Bobby Mapes asked how many parking spaces are provided on the plan and Mr. Gottlieb advised 12 spots plus a handicapped parking space. Chairperson Chester asked how many are required and Town Engineer McGoey advised 12 spots plus a handicapped spot.

Town Engineer McGoey advised that the building area is reduced, the amount of required parking spaces are reduced. Mr. Kohn advised that the PUD plan allows for one spot per apartment and they will work on the parking.

Melinda Meddaugh asked where the sidewalks are to get to the store and Mr. Gottlieb advised that patrons walk in the road.

Bobby Mapes commented that without extending into the property, there is vacant land nearby. Ultimately, the footprint of the building needs to be adjusted.

Melinda Meddaugh reminded the applicants that the Board will want to see what the exterior of the building will look like. Mr. Kohn advised that they will try to match it with the existing buildings.

Lou Kiefer asked about the entrance to the store and Mr. Gottlieb showed the Board its location on the site plan. The Board discussed additional parking options. The topography of the site may be an issue. Matt Sush asked if the main entrance to the store is right next to loading area and Mr. Kohn advised it was, although there is a sidewalk in between. Michael Croissant added that it may be dangerous to have it in that location. The Board discussed different locations to have the main entrance. Mr. Kohn admitted that it is a tough site, but they are trying to make it work.

Bobby Mapes suggested installing an escalator and put the grocery in the basement. Logan Morey suggested shrinking and shifting the building and making a one way parking area. Mrs. Morey further recommended that a fence be erected to collect garbage as it blows away off the lot. Bobby Mapes asked if the dumpster, loading dock and front entrance are all together? Will they empty the dumpster when patrons are coming to the store? Melinda Meddaugh further added that she is concerned about pedestrian safety.

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

Tim Gottlieb, PE

Town Engineer McGoey asked where the landscaping plan is. Mr. Gottlieb advised that he thought they were supposed to show what was there previously. They showed six red maples and six white pines, as well as additional maples, dogwoods and junipers on site. The table on the plan has the wrong number of junipers. It reads six, but should be twelve. Chairperson Chester advised that she believed that landscaping was the only issue and Mr. Gottlieb agreed.

Melinda Meddaugh asked if a sign was going to be erected and Mr. Gottlieb advised that he did not believe the applicants are going to have a sign there. Chairperson Chester added that a sign is not on the site plan and if added, they would need to amend the site plan. Town Engineer McGoey showed the Board an aerial view of the site, which has plenty of trees already on the site.

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

5 in favor; 0 opposed.

Logan Morey asked Mr. Gottlieb to please let the applicants know that they need to clean up the site across the street. There are a ton of pipes laying there. Mr. Gottlieb advised that the pipes are to come to this building. Logan Morey wants the pipes moved and the site cleaned up prior to the issuance of a building permit.

A motion for site plan approval and the issuance of a special use permit subject to: 1) compliance with landscaping plan; 2) the removal of the pipes and clean-up of the adjacent site; and 3) the Town Engineer's approval of the all of the foregoing, was made by Lou Kiefer and seconded by Matthew Sush.

5 in favor; 0 opposed.

Town Engineer McGoey asked Mr. Gottlieb to note on the site plan that the pipes must be moved and the site cleaned up prior to the issuance of a building permit and Mr. Gottlieb confirmed that he would.

A.J. PANTEL - Foss Road - S/B/L: 24-1-27

KARIN PANTEL - 49 Foss Road - S/B/L: 24-1-60.2

A.J. Pantel

Mr. Pantel advised the Board that the vacant parcel is owned by A.J. Pantel and the house lot is owned by his wife, Karin Pantel.

Attorney Paula Kay advised that as discussed in work session, at this point, this Board's role is deny these applications and refer you to the ZBA to get the variances needed for you to work out the site plan. Mr. Pantel asked if any Board members needed an explanation as to the documentation he has provided and the Board members had no questions.

Attorney Paula Kay noted that the Building Department needs to get the issue of the Certificate of Occupancy for the house completed. Mr. Pantel agreed. Mr. Pantel further added that Eric Horton came to the house. He pointed out several of the "so called" violations which are non-existent. Nothing has been cleared as of yet. Mr. Pantel admitted that he has a laundry list of building department violations. Lou Kiefer asked what kind of violations he was referring to. Mr. Pantel knew of two right away: there was no final electrical inspection and two decks were not in compliance with code. Mr. Pantel advised that he has occupied the house since 1979 and construction of the house was started in 1974. Last year, he received a notice that there were no Certificates of Occupancy. Mr. Pantel renewed the building permits and that is when Eric Horton came by this summer. Mr. Pantel will renew the permits. In any case, Mr. Pantel confirmed that he got an electrical inspection on the house. Obviously, things have deteriorated on the house over the years. Neither deck is ready, but the electrical inspection is ready and has been submitted. The 911 sign allegedly did not exist but it is on front door and on the roadway. There was a report that the Sewer was failing, but this is not so. Mr. Pantel noted that he has made progress, but it has not been recognized formally.

Logan Morey asked if Mr. Pantel was ready to close out his permits. Mr. Pantel advised that he has had three different contractors come over to repair the decks and they all walked away and he has not heard from them, so he is going to do the work himself. Mr. Pantel wants to reinforce the deck with a steel channel. Mr. Pantel further advised that a portion of the house is on a 40 foot drop. One of the decks is cantilevered over the 40 foot drop. We don't use that portion of the house, but regardless, he will fix it. The side of the house facing the highway is just carpentry work and he will reinforce what is there. Lou Kiefer asked why a Certificate of Occupancy was not issued when it was built? Mrs. Morey advised that it is pretty common. People don't call for inspections, etc.

Mr. Pantel advised that these issues were a complete surprise to him and admitted that some of these

violations got by him. He confirmed that they have been languishing for two years. Mr. Pantel further added that he respects the process. The issues have to be addressed and he only wants to do it once.

Mr. Pantel asked about the variances he needs to request and whether it is just size of the lot? Town Engineer McGoey noted that there were side yard setback issues as well as the lot size. Mr. Pantel advised that he wants to address all of the variances now. Mr. Pantel also said he will have questions about what happens once the outdoor storage is approved.

With respect to the application of A.J. Pantel, a motion to deny the application and refer the same to the Zoning Board of Appeals was made by Lou Kiefer and seconded by Matthew Sush.
5 in favor, 0 opposed.

With respect to the application of Karin Pantel, a motion to deny the application and refer the same to the Zoning Board of Appeals was made by Lou Kiefer and seconded by Matthew Sush.
5 in favor, 0 opposed.

TIBER HERSHKO - Moonlight Cottages Unit 47 - 58 Rubin Road - S/B/L: 43-1-23.3

Daniel Smith - Adler Engineering

Mr. Smith advised that there are a couple of additions on the site. The applicant wants additional space in the kitchen to fit the fridge, which is not currently in the kitchen. The applicant wants to add two more feet to the front deck and the rear deck, which is already built, because Architect designed the back deck improperly.

Attorney Paula Kay noted that just to put it on the record, this applicant is here because they received a building permit but the work was not constructed in the same location as reflected on the site plan. We are cleaning this up so site plan matches.

Mr. Smith advised that the rear deck is the only thing that has been built so far. Attorney Paula Kay asked what about the front deck? Town Engineer McGoey noted that the front deck was not constructed the way it was supposed to be on the original plan approved by this Board, but a building permit was issued for the same.

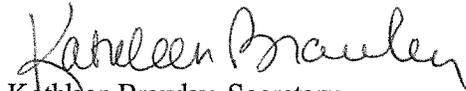
A motion for negative declaration motion under SEQRA was made by Lou Kiefer and seconded by Melinda Meddaugh.
5 in favor; 0 opposed.

A motion to amend the site plan with respect to this unit only was made by Melinda Meddaugh and seconded by Lou Kiefer.
5 in favor; 0 opposed.

Town Engineer McGoey reminded Mr. Smith to make sure he provides the Board with the correct number of copies of the site plan for this unit and the original plan of the entire colony for signature. Logan Morey advised that the four would be sufficient. One for the Building Department, one for the Planning Board and two for the owner.

A motion to adjourn the meeting at 8:02 p.m. was made by Melinda Meddaugh and seconded by Matthew Sush
5 in favor, 0 opposed.

Respectfully submitted,



Kathleen Brawley, Secretary
Town of Thompson Planning Board