

clinic and a home are permitted uses. Town Engineer McGoey advised that it was presented to the Board as an owner-occupied medical clinic.

Joseph Amorin – neighbor. He is concerned because this is a business office, not a medical facility. The owner is not going to be giving medical benefit to the community. He feels that there are plenty of other facilities where he could put his business, besides at the end of a dead-end street. Mr. Amorin advised that the owner is not a doctor. Attorney Paula Kay advised that the Board is considering this a medical office.

Jay Azzato – neighbor. Mr. Azzato advised that he feels a clinic is for people with minimal income and that the owner is required to be a doctor, not a physical therapist. He also advised that the owners are using the Town Road as his own property. There are oil, propane and emergency vehicles using the road. Mr. Azzato feels the owner will be impeding access and that there are other areas he can build.

Bobby Mapes asked if there would be more than one practitioner and Mr. Gottlieb advised that the owner will not be providing services. Only her only partner will be doing so.

A motion to close the public hearing was made by Lou Kiefer and seconded by Melinda Meddaugh.

5 in favor; 0 opposed

Attorney Paula Kay asked that the applicant look into the mixed use of the property and the possible issues therein.

TACO BELL RESTAURANT

4379 State Route 42, Monticello, NY - S/B/L: 13-2-2.1

Glenn Smith, P.E.

Chairperson Chester read the public notice.

Satisfactory proof of mailing of the public notice was provided to the Secretary.

Matthew Sush recused himself from hearing this matter, as he is employed by Jeff Bank, an adjoining owner and interested party. Chairperson Chester appointed Bobby Mapes as a voting member in Matthew Sush's absence.

Mr. Smith advised that this a proposed restaurant on a 1.5 acre parcel on Route 42. Mr. Smith provided the Board with plans. Access to the building will be from an existing cut-off from Route 42. There will be a drive-thru. There is Town sewer on the back of the lot and water on the front of the lot. The applicant had a public hearing before the Zoning Board of Appeals last night and a 20' sign was approved. The Board will be 52 square feet and 10 feet back from the road. The plans do note the variances granted last night. There is a right-of-way from Route 42 to the property now owned by Jeff Bank which is being kept clear. There was a dumpster encroaching on the right of way and it has been removed. The applicant submitted a permit request to the DOT for the water line which is in the State right-of-way and also to connect to an

existing catch basin. Mr. Smith noted that the County's review under GML 239 referred this application for local determination. Mr. Smith also noted that the architects for Taco Bell are working on a stone siding for the building as requested by this Board. The County did note that they liked the landscaping except for one tree specimen which Mr. Smith has already changed. The County asked that the walkway that is existing be removed but due to the fact that telephone poles and fire hydrants are already existing and moving the walkway is not an option.

Mr. Smith advised that Jeff Bank submitted a letter of concern. He said that he is willing to amend his plan to satisfy Jeff Bank's request of screening. Jeff Bank also asked that the applicant ensure that the Planning Board will not have any objection to future ingress or egress of the right-of-way for a hotel or similar use. Town Engineer McGoey advised that if this driveway is to be used for a hotel, this may affect parking on this site.

PUBLIC COMMENT:

George Kinne, President and CEO Jeff Bank. Mr. Kinne advised that the Bank has no objection to the construction of the restaurant, but they would hate to see the right-of-way restricted. The Bank has discussed the use of the right-of-way with potential developers of hotels. They spent a lot of money remediating the property in the bank and building a new branch. The Bank asks that the Board keep this in mind. Mr. Kinne does not want it to be limited to emergency use only.

There was no further public comment.

A motion to close the public hearing was made by Lou Kiefer and seconded by Melinda Meddaugh.

5 in favor; 0 opposed

REGULAR MEETING:

Melinda Meddaugh advised that for the Taco Bell application, the meeting minutes read that a 25 foot sign was recommended by the Board but it should read a 20 foot sign.

A motion to accept the December 9, 2015 meeting minutes as amended was made by Lou Kiefer and seconded by Melinda Meddaugh.

5 in favor; 0 opposed

ADELAAR/MONTREIGN CASINO

**Joyland Road, Monticello, NY – S/B/L: 23-2-3, et al
George Duke, Esq.**

Mr. Duke is happy to be before the Board because the casino license was finally issued in December 2015. The applicant needs additional time to satisfy the conditions of the site plan approval. They are essentially complete, they just need additional time to finalize the same.

A motion to extend the applicant's time to satisfy the conditions of the site plan approval was

made by Lou Kiefer and seconded by Melinda Meddaugh.
5 in favor; 0 opposed

ADELAAR/MONSTER GOLF COURSE

**Joyland Road, Monticello, NY – S/B/L: 23-2-3, et al
George Duke, Esq.**

Mr. Duke advised that Montreign Operating Company has entered into lease agreements with EPR (owner of Adelaar) for the golf and entertainment village. Empire Resorts Real Estate 1 LLC is the entity developing the golf course. Empire Resorts Real Estate 2 LLC is the entity developing the entertainment village. The Board previously approved the preliminary plan for the golf course. They are looking for an extension of the approval. They cannot ask for final approval as there is still a subdivision that needs to be filed to effectuate site plan approval. It may be possible to do a lot line improvement, but EPR will be coming in to correct that. Once that is done, he will be in to finalize the site plan.

Town Engineer McGoey reminded the Board that the preliminary approval was instigated because they had to cut trees due to the potential of bats and the March 31 deadline to do cut trees. If the applicants want to do anything other than tree cutting, they should come before the Board before they do so. Jim Barnicle questioned who owns the golf course. Attorney Paula Kay advised that EPR is the owner and leased it. We will be giving the extension for preliminary site plan approval to the owner, but we will be dealing with Empire Resorts for the work.

A motion to extend the applicant's preliminary site plan approval was made by Lou Kiefer and seconded by Melinda Meddaugh.
5 in favor; 0 opposed

Attorney Paula Kay asked Mr. Duke to get an owner's proxy so that he can appear before the Board in connection with the golf application.

RNR HOUSING, INC.

**Pittaluga Drive, Monticello, NY - S/B/L: 12.-1-21.1 and 12.-1-23.1
Glenn Smith, P.E., Michael and Nathaniel Baum**

Mr. Smith advised that this is a project which was approved by this Board for 120 mobile home units several years ago. They have asked for several extensions of the approval. The last was in June 2015. On site water and sewer systems are proposed. There is still some talk about the County Jail running a sewer line which will run into the Anawana Lake Road sewer district. If that was the case, his client would rather tie into that sewer district rather than construct a new one. Zoning has not changed and his clients want an extension. His client wanted to build roads to show he was serious but the Board recommended that he not do so as it will involve the removal of trees, etc. He would ask for final approval but it requires a 3 million dollar bond, which is substantial.

A motion to extend the applicant's site plan approval for an additional six months was made by Lou Kiefer and seconded by Melinda Meddaugh.

5 in favor; 0 opposed

CAMP KEREN SHLOMO

Ranch Road, Monticello, NY - S/B/L: 16.-1-5.4

Randel Wasson, P.E.

This application was previously approved by the Board. One of the conditions of approval was that the two parcels they have be combined. The owners tried, but it was too late. The maps are out of date after 62 days of signing. He is here to get new maps signed so he can get the lot consolidation finalized. Melinda Meddaugh noted that the applicants were supposed to clean up the corner of Fred Road and Ranch Road and that painting was to be done, but it appears it is still not done. Town Engineer McGoey advised that his notes said the applicant need to address landscaping along the pillars, plant evergreens, paint the dining hall and staff room.

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 for site plan approval was made by Lou Kiefer and seconded by Melinda Meddaugh.

5 in favor; 0 opposed

NOB HILL COUNTRY CLUB

4599 Route 42, Monticello, NY - S/B/L: 9.-1-51

Randel Wasson, P. E. and Jay Zeiger, Esq.

Mr. Wasson provided an amended site plan to the Board with the requested variances. There is a two lot subdivision and site plan. Mr. Wasson advised that there are 62 existing bungalows. They want to keep the bungalows at the top of the lot and combine many of them from 44 to 25 bungalows. They want to subdivide the property and give 10.3 acres to the 24 bungalows. The balance of the property will be used for some bungalows, 30 row houses on Lot 2. There is a table on the site plan that gives the breakdown. The applicants need to go before the Zoning Board of Appeals because it is a non-conforming use in the zone. Attorney Paula Kay advised that the applicant will go before the ZBA for a non-conforming bungalow colony under §250-21(d) of the code. Attorney Paula Kay advised that it is an area variance, not a use variance, since the use is permitted. More specifically, the variance will be for the square footage for the floor area of existing bungalows §250-21(d)(2). There is a prohibition on constructing new bungalows. Mr. Wasson advised they are not building new bungalows. Attorney Paula Kay advised that the conditions and restrictions are very specific in the section §250-21(d)(2). Mr. Zeiger asked if the variance for the size was on the total bungalows or each and attorney Paula Kay said it is for each bungalow. Chairperson Chester noted that there was question of access to both parcels from Route 42. Mr. Wasson advised that cross-easements were discussed. Attorney Paula Kay advised that the consensus of the Board is that they come up with two separate access

areas for each lot. Mr. Zeiger advised that the applicants will discuss the shared facilities and easements with the Board. Bobby Mapes asked if Har Nof and Nob Hill were combined at one time or used presently as one colony and Mr. Wasson felt they were not, as they are owned by different owners. Town Engineer McGoey asked if the existing bungalows which will be converted to row houses are suitable to be converted to year-round residences, such as foundations, etc. He has not looked to see if they are practical to be converted or just demolished and rebuilt. Mr. Wasson has not been through all of the bungalows and cannot be sure, but many of the bungalows have basements or crawl spaces. Town Engineer McGoey wants the Building Department and him to go and look at each of the bungalows to ensure that they are suitable for renovation. Mr. Zeiger advised that the applicant is okay with that.

Mr. Wasson advised that there are some existing encroachments, etc., and wanted to know if the Board wants to know them specifically tonight. Attorney Paula Kay advised that they will discuss the same with Jim Carnell and apply to the ZBA thereafter.

Bobby Mapes asked if the ZBA denies this application, is there anything that prohibits them from building row houses. Meaning, demolishing the old bungalows and building new row houses. The applicants feel that the buildings are in adequate shape to be rehabbed.

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

YESHIVA VIZNITZ/KL HOUSING CORP.

**Gibber Road/Feldman Circle, Kiamesha Lake, NY - S/B/L: 6.A-1-1.1, 3 and 4
Maria Zeno, Esq., David Zigler, P.E. and Joel Kohn**

Mr. Zigler advised that they met with the Town Engineer and reviewed the plans. The major items are addressed. They have received the Town Engineer comments and have no problem. They want to move on to the DEC application process. They will prepare a storm water study, which the Town Engineer confirmed is needed. Melinda Meddaugh asked if four different styles of the homes were presented to the Town Engineer and they were not. Mr. Kohn advised that they will be provided prior to any approval. It is addressed on the Town Engineer's comments.

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

A motion for site plan approval, subject to the Town Engineer's receipt of four different styles of the homes and the Town Engineer's review and approval of the final site plan, was made by Lou Kiefer and seconded by Michael Croissant.
5 in favor; 0 opposed

TEN HANOFEE ASSOCIATES LLC
44 Lanahan Road, Monticello, NY - S/B/L: 13-1-31.1
Tim Gottlieb, P.E.

Mr. Gottlieb advised the premises is a single family residence. His client wants to convert it to a chiropractor's office. He will be there Tuesday, Friday and Saturday. He has an office in Liberty and wants to have this office as a satellite office. Attorney Paula Kay advised that if the Board approves it, they are approving the use, not the limitation of days, etc. Mr. Gottlieb advised that this is very preliminary. He has the Town Engineer's comments and admits this is only a sketch plan. Chairperson Chester asked where the home was located and whether it was in good shape and Mr. Gottlieb confirmed the location and that it was in good shape. Melinda Meddaugh asked if there would be signage and Mr. Gottlieb did not know. A variance is required for a front yard setback. Jim Barnicle said that we should be careful on what we approve and be sure that all hands know what the other is doing. Even though this is a low key chiropractic office, we have to be mindful of the area. Town Engineer McGoey advised that landscaping must be addressed. Mr. Gottlieb does not believe the applicant is increasing the size of the home, other than constructing a handicap accessibility ramp. Jim Barnicle asked if there was curbage and it was decided there was not. Bobby Mapes feels that the conversion of this property would fit in the area.

A motion to deny this application and refer the same to the Zoning Board of Appeals was made by Matthew Sush and seconded by Lou Kiefer.

5 in favor; 0 opposed

JACOB LUSTIG
19 Norris Avenue, Monticello, NY – S/B/L: 44.-1-2 and 44.-1-7
John Galligan and Al Chase, Galligan Surveying

The Board noted that there is no owner's proxy in the file and the same must be provided tomorrow. Mr. Chase advised that the Lustigs are trying to acquire a quarter acre parcel directly behind their parcel. The applicant originally proposed parking on the existing house parcel. Their attorney advised that it would be foolish of Mr. Lustig to grant parking rights because he could not sell the home with such a burden. The Camp had to reduce the number of parking spaces to 52 outside of the actual camp. They think parking in the camp would create a dangerous condition. The lot Lustig is trying to obtain from the Camp would be encumbered by 20 spots (which the applicant assured Lustig consents to) and the camp has provided 30 parking spots. Abe Berkovic, the new owner of the Camp, purchased from Limud. He showed the Board where the residents of the camp park. He showed the lot which they rented last summer from Lustig to park on. Mr. Lustig wants a quarter acre piece, which they have no objection to, but they want a deeded right to use a piece of his land for an easement. Town Engineer McGoey noted that the Lustig's attorney noted that there could be no parking. Mr. Berkovic advised that the new proposed parking is on a different area and not the area the Lustig's attorney objected to. Mr. Berkovic advised that he wants a signed agreement to use the area to park and they will not consent to any lot line change without that. Mr. Galligan advised that Lustig is amenable to signing an agreement to let the Camp use the back portion of his parcel for parking (the area not objected to by his attorney and created by the lot line change). Chairperson Chester asked Mr.

Berkovic to clarify where cars are being parked now and for whom and Mr. Berkovic showed the Board where they park and that it is for the camp. Lustig made a deal to buy a small parcel from the Camp to make their parcel larger. Melinda Meddaugh noted that the plans say they are proposed parking spaces. Mr. Berkovic noted that they are grassy areas, not lined spots. Attorney Paula Kay advised that she has an issue with the time period, because if these problems are not resolved tomorrow, the variances will expire. Mr. Galligan advised that they do have a plan for parking, which is substantially less than what was previously provided to the Town Engineer. Town Engineer McGoey questions whether Lustig will actually agree to parking on the lot he intends to acquire. Mr. Galligan felt there was no question that Lustig will agree to that. Attorney Paula Kay noted that Mr. Galligan did provide a letter representing what someone else said and he can revoke that letter at any time. The letter is not specific as to what area Lustig is not going to permit parking on. Chairperson Chester asked if Lustig lives in their house and Mr. Galligan advised they do, although it is not winterized. Attorney Paula Kay advised that this issue came up because the Building Department was concerned with parking all over the place. Mr. Berkovic advised that they do need parking. If they lose the proposed area, they lose parking. Mr. Berkovic feels Lustig wants the lot for density issues and not for any other reason. The Board discussed this issue and advised that the applicant will have to go back before the ZBA, as the conditions given by the ZBA were not addressed. Bobby Mapes felt that there was sufficient time for the applicant to resolve this issue. Mr. Chase advised that the ZBA decision noted that the parking issue was to be resolved by the Planning Board. Mr. Berkovic advised that the camp leased the parking areas previously. He wants an easement to have 21 additional parking spots on the piece to be given to Lustig. Mr. Berkovic advised he is willing to help the applicant. Attorney Paula Kay advised that the camp and Lustig need to iron something out and this Board really cannot act. Mr. Chase asked if he could get in writing confirmation from Lustig would the Board approve the plan. Mr. Galligan suggested the Town Engineer go to the property and look at the parking areas. Chairperson Chester advised that the applicant needs to go back to the ZBA. Mr. Galligan advised that the applicant will probably just give up and thanked the Board for its time.

FOREST PARK ESTATES

372 Anawana Lake Road, Monticello, NY - S/B/L: 9.-1-67

Joel Kohn

Mr. Kohn advised that the applicant have renters who want to go into a long term lease. The renters want planning board approval to have bedrooms in the basements. Chairperson Chester asked why and Mr. Kohn advised because they have many children and want the extra sleeping space. Mr. Kohn is not sure what the issue was that these bedrooms could not be added when site plan was approved. Town Engineer McGoey advised that there was insufficient allocation of sewage space to accommodate the additional bedrooms. Lou Kiefer asked about access to the bedrooms in the basement. Mr. Kohn advised it would be designed by an architect. Jim Barnicle asked about emergency access and Mr. Kohn advised there would be accessible stairs and windows in the basement. The sewer issue is the biggest problem. Town Engineer McGoey has to take up the added use with the Town Board for approval. Attorney Paula Kay advised that the Board told the applicant initially why the added bedrooms were not permitted. The Board does not want to make a precedent. This will only be permitted by the Town Board permitting an

additional allocation. In addition, the Board discussed that they have been very consistent about permitting bedrooms in the basement. Mr. Kohn advised that the next step will have to be after the Town Board decides if the sewer allocation is permitted.

A motion to adjourn the meeting at 8:33 p.m. was made by Michael Croissant and seconded by Michael Croissant .
5 in favor, 0 opposed.

Respectfully submitted,



Kathleen Brawley, Secretary
Town of Thompson Planning Board