



APPROVED

**TOWN OF THOMPSON
PLANNING BOARD
WEDNESDAY, JANUARY 27, 2016**

IN ATTENDANCE: Chairperson Patrice Chester Lou Kiefer
Michael Croissant Matthew Sush
Bobby Mapes, Alternate Kathleen Brawley, Secretary
Paula Elaine Kay, Attorney
Richard McGoey, Consulting Engineer

ABSENT: Melinda Meddaugh, James Carnell, Director, Building/Planning/Zoning
and Jim Barnicle, Alternate

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

Chairperson Chester appointed Bobby Mapes as a voting member for tonight's meeting in Melinda Meddaugh's absence.

A motion to accept the January 13, 2016 meeting minutes as amended was made by Lou Kiefer and seconded by Matthew Sush.
5 in favor; 0 opposed

A motion to take the Lee application out of the Agenda's order was made by Lou Kiefer and seconded by Bobby Mapes
5 in favor; 0 opposed

MYUNG AE LEE
34 Goldfarb Road, Monticello, NY - S/B/L: 4.-1-87.2
Tim Gottlieb, P.E.

Mr. Gottlieb confirmed that there is an issue with the use of the premises as both a chiropractic office and physical therapy office. He will speak with the applicant and get back to the Board.

EMPIRE RESORTS REAL ESTATE I LLC
Joyland Road, Monticello, NY – S/B/L: 23-2-3, et al
George Duke, Esq.

Mr. Duke is before the Board to request clearing of the lot. A site plan was provided to the Board. The applicant needs to clear trees as indicated on the plan before the March 31, 2016 deadline. It is only felling trees. No grading or excavating will be done and should not substantially disturb the land. It is nothing like the land clearing being done at the casino. It is for anticipation of planning of the golf course and to re-align the holes, etc. Mr. Duke explained why the name change was made for the applicant. The golf course designer is the same. The clearing plan is very similar to what was submitted in July 2015. Final plans should not deviate from the plans previously submitted. The applicant will be back before the Board to finalize the

subdivision and site plan. Chairperson Chester advised that the Board would like to make the approval subject to the Town Engineer's review and approval of the plan submitted.

A motion to approve the tree clearing, subject to the Town Engineer's review and approval, was made by Lou Kiefer and seconded by Matthew Sush
5 in favor; 0 opposed

CATSKILL REGIONAL MEDICAL CENTER (CRMC)

NYS Route 42 and Rock Ridge Drive, Monticello, NY

S/B/L: 13.-3-2.1 and 13.-3-2.2

John O'Rourke, P.E., Lanc & Tully

Mr. O'Rourke advised that CRMC wants to construct a medical facility. The zoning permits this use. They have met with the Town Engineer. Mr. O'Rourke described the layout and location of the building on the site. Public water and sewer are both available and districts are nearby. They may make some improvements to the sewer line as well. The Town requested a roadway connection through the subject premises to Home Depot and the applicant has no issue with that. They will work with the Town to accommodate Home Depot and the Town's requests, since presently there is only one way in and out of the Home Depot facility.

Tony Caputo of Array Architects, presented to the Board. Chairperson Chester asked what the building was considered and the applicant advised it will be primary and urgent care. Mr. Caputo also showed the Board parking, patient drop off and additional site details. Green space will be implemented. They are building on the highest part of the site. There is a lot of rock on the site and they will try and plan the construction to disturb the least amount of soil. Chairperson Chester asked that the applicant eventually provide pictures of what the building will look like. Mr. Caputo advised that they will once they have more details for the site, etc. They are also finalizing with CRMC the departments that will be in the building. Attorney Paula Kay asked if CRMC will own the property and Mr. O'Rourke advised that CRMC will be purchasing the land from the present owner.

Mr. O'Rourke advised that CRMC has done a traffic study for ambulances, etc. Attorney Paula Kay asked if a helicopter plan would be on the site and Mr. O'Rourke advised that it is not presently planned but space is available if it is necessary. Chairperson Chester advised that it may be in the applicant's best interest to plan for this and the applicant thereafter advised there will be no helipad.

Mr. O'Rourke advised that the parking spaces planned are more than what code requires. They have done their research and feel this is necessary. They have also addressed storm water issues. There are wetlands near the site but they will not be disturbed. There are no endangered species on the site. They should be submitting a storm water plan within the next two weeks.

Chairperson Chester asked about signage and Mr. O'Rourke advised they have not finalized those details. Chairperson Chester asked if it would be visible from Route 42. Mr. O'Rourke advised that it will be high on the building and it will be seen. He will provide details.

Town Engineer McGoey complimented the applicant on putting the parking in the back of the site and making it a nice sight from Route 42. He also thanked the applicant for their willingness to work with the Town for the easement with Home Depot plaza.

Phil Grealy, P.E., presented on behalf of the applicant and advised that a traffic study was done and the casino's traffic study was also reviewed. Chairperson Chester asked if the facility would require an additional lane on Concord Road. Mr. Grealy advised there will be a right turn lane coming off of Concord Road and two lanes existing the facility. Signal timing modifications may be done. He anticipates 50-60 trips per hour coming in and out of the facility. Bobby Mapes noted that it appears that the walking path shown on the plan may be cut off by the proposed access to Home Depot plaza. Mr. O'Rourke advised that they will address that once the easement issues are finalized.

Town Engineer McGoey asked if there would be any subdivision of the property and Mr. O'Rourke advised that there are no plans to subdivide and that they may develop the vacant portion of the lot later.

Chairperson Chester asked if the applicant has reviewed the Lanahan Road portion of the road and considered any proposed development when they did their traffic study.

Bobby Mapes asked about the EAF and specifically, question 20 concerning hazardous waste sites nearby the premises. Bobby Mapes advised that there was asbestos on the colony that was just removed. Mr. O'Rourke advised that they use a State database for that answer and they will be obtaining the property clear of any environmental issues.

Mr. O'Rourke asked if this matter could be referred to the County Planning Department for review under GML §239 and schedule a public hearing for the second meeting in February. Attorney Paula Kay advised that if they can provide the Town Engineer with updated plans, it may be possible, but the County will want to see a more detailed plan.

A motion to forward this application to the Sullivan County Planning Department for review under GML §239 and to schedule a public hearing for February 24, 2016, subject to the Town Engineer's receipt and review of an updated site plan, was made by Lou Kiefer and seconded by Matthew Sush.

5 in favor; 0 opposed

TACO BELL RESTAURANT

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

**Glenn Smith, P.E. (Taco Bell), Duncan Cameron (Taco Bell)
and Michael Altman, Esq. (Attorney for Lentini)**

Patrice Chester and Matthew Sush both recused themselves from participating in this application. Chairperson Chester appointed Lou Kiefer as Acting Chairperson in her absence.

Correspondence from both Jeff Bank and Michael Altman, Esq. (on behalf of the land owner

Lentini) was received by the Board.

Mr. Smith wanted to address Town Engineer's comments of January 19, 2016. A public hearing was previously held. A drainage report was submitted to the DOT answering their questions about the sidewalks, etc. Most of the site is impervious now, as it had an existing restaurant on the lot. Lou Kiefer wanted to know what DOT said about the driveway and the DOT wanted it make sure it was designed by DOT standards and Glenn advised it was done by DOT standards when they re-did the Route 42 corridor. It was not well reviewed by the DOT.

Mr. Smith removed the flowering cherry tree to a white pine tree on the plan, as per the County Planning Department's recommendation. The Board advised they had no objection. The County Planning Department also wanted a landscape strip, but there are fire hydrants, poles, etc., that are not able to be moved. Mr. Smith provided a proposed elevation view of the building to the Board tonight and showed the stone frontage the Board was looking for.

Mr. Smith advised that the right-of-way is shown on the plan. Jeff Bank, the owner of the rear lot, is stating that they do not want the right-of-way to be

Attorney Paula Kay advised that they have discussed Jeff Bank's proposal to immediately adjacent and contiguous to the right of way is another right of way for sewer lines which is also encumbered by property owned by Jeff Bank. They want to make the entire 25 feet ingress and egress for the right of way and would in fact make the access suitable and safe for the restaurant's purposes. Mr. Altman advised that they are not interested in changing the access. Jeff Bank has plenty of access through Anawana Lake Road and Lanahan Road. Town Engineer McGoey advised that they do not want cars with conflicting movement. There will be a major safety issue. Mr. Altman advised that they will not consent to increasing their right-of-way. If they cannot use the right-of-way they are okay with that. The site plan includes the right-of-way. Jeff Bank sends a letter after the public hearing which Mr. Altman feels is forcing the applicant to make a decision. Michael Croissant asked how it hurts Lentini to grant the additional easement. Mr. Altman advised that they don't want another businesses traffic on their site. They paid \$500,000.00 for the lot and have invested substantially in the site. Mr. Altman advised that they will absolutely not permit a greater right-of-way. Michael Croissant asked if it would hurt Taco Bell to add the ten feet and Mr. Cameron felt it would adversely affect their business. Mr. Altman advised that Jeff Bank owns all the property around the area. Attorney Paula Kay advised that it has nothing to do with Jeff Bank. The Board cannot approve a project that has health and safety concerns. The Board received all of these communications just today. The Board and Town Engineer needs time to review. There is going to have to be a revision to the site plan to ensure it is a safe site plan. Mr. Altman advised that the right-of-way does not say it is for vehicles. It was used by the former bungalow colony for access to the movies and stores across the street.

Mr. Smith advised that the 15' right-of-way was never enough. It must be resolved. Attorney Paula Kay thought it was best for the two parties to meet and Mr. Altman advised it will not happen. Acting Chairman Kiefer advised that the Board wants to see a safe site. Attorney Paula Kay feels that the easement would be for vehicles. However, this Board will not approve a site plan with a fifteen-foot easement. Bobby Mapes advised that the Board is not looking into

pushing an entity out over an easement issue. We should work with applicants. Bobby Mapes asked why is it permitted if it is not allowed by Code. Mr. Altman noted that Jeff Bank does not have a project and they want to enhance their property and add value, while reducing theirs.

Town Engineer McGoey advised that Planning is just that – planning for the future. There is a traffic problem. Mr. Altman advised that he feels it is a false issue and they are not changing a thing. Mr. Altman advised that the Board is protecting a big bank who asked for consideration at the last minute.

Lou Kiefer advised that the Board wants to see this project go forward. Mr. Altman advised that it is a great project. Lou Kiefer advised that he couldn't see a hotel wanting a drive-thru Taco Bell as their parking lot. Bobby Mapes advised that the right-of-way impedes the development of that lot now or in the future.

Mr. Cameron wondered about a traffic study. Town Engineer McGoey wants some answers from DOT to discuss traffic patterns. The applicant, Engineer and Town Attorney will meet on Monday to discuss this matter. The Board will schedule this matter to be on the agenda for the February 10, 2016 meeting.

CHERRY VALLEY BUILDERS, INC.

Old Sackett Road, Rock Hill, NY - S/B/L: 52.-1-17.9

Michael Davidoff, Esq.

The Board reviewed Mr. Davidoff's request on behalf of the applicant for an additional ninety day extension of the applicant's site plan approval from January 17, 2016 to April 16, 2015. A motion to approve the same was made by Lou Kiefer and seconded by Michael Croissant.
5 in favor; 0 opposed

YESHIVA VIZNITZ (Community Building)

Barnes Blvd., Kiamesha Lake, NY - S/B/L: 6.A-1-2

Maria Zeno, Esq., David Zigler, P.E. and Joel Kohn

Mr. Zigler advised that the applicant has made some revisions after meeting with the Town Engineer on parking, adding a dumpster and lights. They will end up with more parking than initially planned. They also added a landscaping plan. Mr. Zigler wanted to know if a description of the lights was acceptable. Town Engineer McGoey advised they have to be shielded down. Mr. Kohn advised they have been on the site for ten years. Town Engineer McGoey advised they are huge lights and all over the place AND they are not on the original site plan, which was never approved. Lou Kiefer asked how many lights and it was advised there are six. Mr. Kohn advised that the residents want more light. It is a community. Town Engineer McGoey advised that it is a Town Road and other developments will be going on. Mr. Zigler asked about the landscaping and Town Engineer advised there is virtually no landscaping. Mr. Zigler showed areas where landscaping could be installed. Town Engineer McGoey advised that there was an initial landscaping plan which was never followed. Joel Kohn advised that it was

not followed the first ten years. They are now trying to correct the issues. He agrees there were many issues. The Building Department and site plans were not issues. Mr. Kohn advised that the issue with the landscaping is that it is all rock. They want to construct planters. The Board suggested installing a berm and they want the original landscaping plan followed as close as possible. It was approved previously and should be followed. Lou Kiefer advised that the entire county is rocky.

Mr. Zigler advised that the applicant will follow the original plan except for the island in the parking lot, as it is paved and never built. Matthew Sush asked if it was a bio retention area and Town Engineer McGoey advised it may have been for some storm water management, but not at the time it was approved. Any storm water would drain onto the adjoining property which is owned by the applicant.

Mr. Zigler showed the Board where “phantom” parking was located on the site. Mr. Kohn advised that there is very little issue in the area. Logan Morey advised that there is very little parking issues there, only when the Grand Rebbe comes to the site. Mrs. Morey asked if the dumpster enclosure was addressed and the applicant advised it was.

Lou Kiefer advised that the Board wants to see the original landscaping plan done. Town Engineer McGoey showed the applicant where plantings could be done on the site and Mr. Zigler advised that they really cannot plant in those areas because of the development of the site. Mr. Kohn also advised that a neighbor had an issue with the DEC which impeded the applicant’s ability to plant on the back part of the site.

Mr. Zigler advised that the sidewalk and parking area were addressed by adding a one-way area and adding more parking. They want to know what the distinction between the paved area and walkway when it snows and they want to add something to define the walk way space.

Mr. Kohn advised that the drain pipe on the back of the property is an overflow pipe used for the mikvah to avoid flooding after it rains and the roof is open. Town Engineer McGoey advised it must be shown on the site plan.

Attorney Paula Kay advised that the applicant is aware there are violations. Maria Zeno, Esq., will accept service of violations and appearance tickets from the Building Department. It will be placed on the Town Court calendar as soon as possible and hopefully, the applicant can be back before the Board on February 10, 2016. Maria Zeno, Esq., advised that if the Town can give her an idea of the fines, she will get funds placed into her escrow account. She will be available tomorrow for service.

Mr. Zigler will amend the plans before the next Board meeting. Town Engineer McGoey asked that the applicant meet with him prior to coming before the Board again.

CONG. K'HAL TORATH CHAIM

Silver Terrace, Kiamesha Lake, NY - S/B/L: 6.A-1-44

Maria Zeno, Esq., David Zigler, P.E. and Joel Kohn

Mr. Zigler advised he received the Town Engineer's comments and have made most of the revisions requested. One difference is that the applicant will be adding a private drain at the back of the property. Town Engineer McGoey advised that the bulk table is incorrect. He also needs dimensions on the lots. Mr. Zigler advised they are over 6,000 square feet apiece. Mr. Zigler advised that he did have the wrong code on the plan. He added the landscaping plan, sidewalks, dumpster locations, etc.

A motion to adjourn the meeting at 8:10 p.m. was made by Matthew Sush and seconded by Bobby Mapes.

5 in favor, 0 opposed.

Respectfully submitted,



Kathleen Brawley, Secretary
Town of Thompson Planning Board