

APPROVED

**TOWN OF THOMPSON
PLANNING BOARD
WEDNESDAY, JUNE 8, 2016**



IN ATTENDANCE: Acting Chairman Lou Kiefer
Michael Croissant Matthew Sush
Paula Elaine Kay, Attorney
Matt Sickler, Consulting Engineer

ABSENT: Chairperson Patrice Chester, Melinda Meddaugh, Bobby Mapes, Alternate,
Jim Barnicle, Alternate and Kathleen Brawley, Secretary

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

PUBLIC HEARINGS

YESHIVA MESIFTA ARUGATH HABOSEM

For site plan approval in accordance with §250-8 of the Town Code of the Town of Thompson. The property is located in the RR-1 Zone at Whittaker Rd, Monticello, NY – S/B/L: 3.-1-18

Acting Chairman Kiefer read the public notice. Satisfactory proof of mailing was provided to the Board.

Joel Kohn advised that this is an existing summer camp for boys located at the border of Town of Thompson and Town of Fallsburg. They are proposing to add two more duplex buildings to be used for staff (a total of four units). They also want to add an addition to a classroom and a temporary trailer for an additional classroom. There is sufficient water and sewer to provide the new additions.

The Board had no questions or comments.

There was no public comment.

A motion to close the public hearing was made by Matthew Sush and seconded by Michael Croissant.

3 in favor; 0 opposed

MYUNG AE LEE

For site plan approval for a proposed medical office and apartment in accordance with §250-8 of the Town Code of the Town of Thompson. The property is located in the RR-1 Zone at 34 Goldfarb Road, Monticello, NY - S/B/L: 4.-1-87.2

Acting Chairman Kiefer noted that although the Notice reflected that an apartment was being sought for approval, the applicant has removed the request for the apartment and it is no longer part of the application.

Attorney Paula Kay advised that a public hearing was previously held for the medical office and apartment, at which time Matthew Sush recused himself from this application, as his family are neighbors of the subject premises. As such, he is recusing himself tonight, which means the Board does not have a quorum to proceed. Attorney Paula Kay noted that there were members of the public present for this application and suggested that the applicant's representative, Tim Gottlieb, make the presentation and permit public comments, although it will not be an official public hearing.

Mr. Gottlieb advised that the applicant is proposing a medical office in a single-family residence for a physical therapist/acupuncturist. This will be operating primarily on the weekend. A portion of the property has a 'right by use' by the Town of Thompson for turnaround of vehicles. The applicant had previously installed a flower box in that Town right-of-way which has been removed. A note has been added to the site plan and presented to the Town Highway Superintendent for review and they are awaiting his approval.

The Board had no questions or comments.

Public comment: Helen Rados, a neighbor, asked where the parking will be located. She wanted to know if it would be in front of the door and Mr. Gottlieb advised it would be along the property line and not in the front of the home. Mr. Gottlieb showed Mrs. Rados the location of the parking on the site plan. Mrs. Rados asked if the right-of-way would stay and Mr. Gottlieb confirmed it was.

CNH SALES

For site plan approval in accordance with §250-7 of the Town Code of the Town of Thompson. The property is located in the SR Zone at 82 Cold Spring Rd, Monticello, NY – S/B/L: 30.-5-1 and 30.-5-2

Acting Chairman Kiefer read the public notice. Satisfactory proof of mailing was provided to the Board.

Joel Kohn advised that this is a former distribution center. The applicant is proposing to use one building for a warehouse for an Amazon-type business. The applicant will clean the property up. The large steel tanks and concrete foundations will be removed.

Michael Croissant asked if the applicant has started any of the clean up and Mr. Kohn advised that the applicant only just closed on the property and he hired someone two days ago to start. Lou Kiefer asked what the other buildings would be used for and Mr. Kohn advised there is no plan for the other buildings now, but they will clean them up for use later. The applicant will repaint the buildings and make the site look better.

The Board had no further questions or comments.

There was no public comment.

A motion to close the public hearing was made by Matthew Sush and seconded by Michael

Croissant.

3 in favor; 0 opposed

A motion to approve the May 25, 2016 minutes was made by Michael Croissant and seconded by Matthew Sush

3 in favor; 0 opposed

RNR HOUSING, INC.

Pittaluga Drive, Monticello, NY - S/B/L: 12.-1-21.1 and 12.-1-23.1

Glenn Smith, P.E.

Mr. Smith advised that this application must be renewed by June 24, 2016. Acting Chairman Kiefer asked what the status of the property is. Mr. Smith advised that they are waiting to see what direction the County jail is going and where the sewer will be located. There have been two scenarios and they have not yet determined that. Mr. Smith advised he is the Village Engineer and he has not been provided with solid plans. If the County decides to go through the Village for water, then they cannot use that. Michael Croissant asked what they would do in that event and Mr. Baum advised they will construct their own sewage treatment facility. Mr. Smith advised that the wells have been drilled for years and the site was approved with a sewer treatment facility. They would prefer not to construct the facility if at all possible. Michael Croissant asked if the County using Village water would stop their project and Mr. Baum advised it would not. The Board discussed the fact that if the County does construct a sewer plant, it will be a long time before it is operational. Mr. Smith advised that if the County constructs the sewer line in the alternative path, the applicant is willing to put up a construction bond to ensure it is done. He would prefer to not do this until there is a confirmation of what the County is doing. Attorney Paula Kay advised that the Board would like to see more information for the next meeting on June 22, 2016 before they make a determination. Mr. Baum asked what the Board wants to see. Acting Chairman Kiefer advised that they want to see what is the plan. Attorney Paula Kay suggested a time line of what their plan is would be helpful. Mr. Smith advised that they could do a temporary holding tank which is permitted by the Department of Health, but the Department of Health will not allow that for extended periods of time.

MONTREIGN/ADELAAR (Office Trailers)

Joyland Road, Monticello, NY – S/B/L: 23-2-3, et al

George Duke, Esq.

The applicant is proposing to move temporary trailers to a different part of the casino site. They are located off Thompsonville Road on a parking lot they constructed.

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

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 Matthew Sush

3 in favor; 0 opposed

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

Mr. Duke advised that the applicant is the entity to agreed to develop the golf course in lieu of EPR. Preliminary site plan approval was previously given. The site plan submitted before the Board is substantively the same as was approved in July 2015. They are relying upon the review under SEQRA from July 2015 since there are no major changes. They are not seeking approval of the clubhouse and maintenance building. It is just seeking approval for a pump station and two rest stations. They will come back before the Board for the clubhouse and maintenance building at a later date. They are shown on the plan in the proposed locations. Attorney Paula Kay advised that she and the applicant are working on a Resolution for the Board. All approvals will be conditioned upon Town Engineer's comments before maps are signed. The applicant is amenable to all of the Town Engineer's comments. The hook ups for the bathrooms need to be addressed, as code says they need to be hooked to central sewer, but they are working on that as well. The other conditions are that all fees have to be paid, all outside agencies' approvals are received and possible bonding requirements. The Board can give conditional approval tonight. Mr. Duke advised that the Town Engineer's comments are all acceptable. They just have not looked into them in depth but they are willing to work with the Town. The technical edits to the plans are also acceptable. Three things need to be made clear; they are moving quickly under the casino. The gaming license is conditioned upon construction of the casino and the golf course component. They plan on beginning construction as soon as possible. They also need approval for SWPP from the DEC together with a waiver of the five-acre area disturbance rules of the DEC. There will be minor amendments to the Army Corps wetland permit. The majority of the golf course is not affected by wetlands, but a small portion is and they need to address that and get an amendment to their permit.

A motion to conditionally approve the site plan subject to the conditions set forth above, was made by Matthew Sush and seconded by Michael Croissant.
3 in favor; 0 opposed

AERO STAR PETROLEUM, INC. (CITGO)
Rock Hill Drive, Rock Hill, NY - 32.-1-20
Michael North, P.E.

Mr. North advised that they have responded to the Town Engineer's comments previously. They have cleaned up the plan and submitted a revised plan for the Board to review. The Town Engineer did speak to him and acknowledged that they were acceptable. Mr. North is in receipt of the Town Engineer's newest set of comments. They have complied with everything he has requested, except for the location of the dumpster location. Mr. North addressed the Town Engineer's comments. There is an issue with the location of the dumpster as requested by the Town Engineer, as if it is too far away from the building, the sole person working at night would have a safety issue getting to it each night. The location where the dumpster is on the site plan is the least visible location. Matthew Sush asked if there were setback rules for dumpsters and addressed different locations on the site plan. Mr. North and the applicant discussed the several locations with Matthew Sush

and felt that their proposed location is best. The applicant feels that the Town Engineer's proposed location for the dumpster is more visible. The applicant does not want it up against the building for sanitary reasons. Acting Chairman Kiefer noted that the applicant needs to come up with a solution, as the location they want it is not acceptable by the County, the Town Engineer or this Board. Eric Horton said that dumpsters must be 25' from the property line, road or right-of-way. Acting Chairman Kiefer advised that this is one additional reason it cannot be located where the applicant proposes the same. Michael Croissant also discussed alternative locations with the applicant. Lou Kiefer felt that the sole employee at night is not really going to be travelling to the dumpster that evening. Michael Croissant said it was a moot point, as the proposed location is not permitted under the code. The applicant and Mr. North asked where they should locate the dumpster and will go with the Board's suggestion. Matthew Sush further noted that landscaping could be installed to screen the dumpster. Attorney Paula Kay further suggested that the applicants look at the new possible dumpster enclosure law which is on the Town's website. Attorney Paula Kay advised that the Board will not provide the applicant with a location, it is up to them to provide the Board with an acceptable location.

Mr. North advised that they have not received any feedback from the Town on the landscaping for the Kiamesha store. Attorney Paula Kay advised that Melinda Meddaugh had some suggestions on landscaping. She suggested more shade trees. In addition, to the right of the building toward Rock Hill Service Center, there's a large patch of land which can be made into a garden bed. She also recommended mature oaks trees (3" or more), shrubs and blueberry bushes. The garden bed along Rock Hill Drive can also be addressed. Mrs. Meddaugh wants a landscaping layout from their landscaper. Mrs. Meddaugh also wanted to make sure that the building design needs to fit better with the locale, using Rock Hill Pharmacy's façade with stone and wood. The applicant advised that he plans on keeping with that scheme and is amenable to the approval being subject to providing the Board with details of the same.

Mr. North advised that the dumpster enclosure's details include a stone façade and he wanted the Board to know that was their plan all along.

Mr. North advised that with respect to elevation views, his client was not prepared to provide the same. The building will look like the applicant's Ferndale location. Attorney Paula Kay advised that if the Town Engineer and members are asking for it, they need to provide a rendering of the building itself. The Board discussed making the approval subject to the Board's receipt of the same and they were amenable to doing that.

Mr. North advised that the performance bond is unnecessary. This is an existing building and once they get going with construction, they are not going to stop. Attorney Paula Kay noted that it is in the §250-52.1B of the Town Code. Mr. North asked what it would be used for and the Board advised it would be for unfinished site work. If this construction does not exceed the threshold, which it appears this project does not, than it is a moot point.

Mr. North advised that the existing spot lights will be removed, although the comments say "pole lights". They are all being replaced with modern lights and there is a lighting plan provided. Acting Chairman Kiefer advised that he feels the Town Engineer wants shielded lights, which Mr. North confirmed they are planning on using.

Mr. North further advised that the concrete pads are standard and constructed per the DEC. Attorney Paula Kay advised that they need to be shown on the plans, together with specifications.

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 for site plan approval was made by Matthew Sush and seconded by Michael Croissant with the following conditions: addressing all Town Engineer's comments, adding to landscaping and providing a landscaping plan, relocation of the dumpster, providing building elevations and confirming that the façade be stone and wood and not brick, all subject to Town Engineer's final review and approval.
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.

The applicant advised that they have increased the lot size, but do not have a proposed subdivision map. They wanted to bring the plan before the Board tonight to get their input. Acting Chairman Kiefer advised that the Board felt the screening was inadequate (five feet). Mr. Marshall advised that the applicant will provide the requisite amount of parking spaces, but would prefer to "bank" the same to use at a later date. Acting Chairman Kiefer advised that the Board wants to see all of the spaces constructed. Mr. Marshall advised the spaces would never be used for anything but parking, but that they want to increase landscaping and green space. Acting Chairman Kiefer advised that the problem lies in the fact that when they have to use these spaces, the extra landscaping would be moot, which Mr. Marshall agreed. Mr. Marshall advised that the amount of spaces required exceeds what the store actually needs and based on other Dollar Generals in the areas, the amount of required spaces (61) is excessive, but the applicant will do what the Board wishes. Mr. Marshall said more spaces mean more water runoff. The DEC requires that they reduce the number of impervious spaces on a site and this is why we are actively pursuing the lower number of parking spaces. Again they will do what the Board wants. Attorney Paula Kay noted that the Board is limited this evening and they would feel more comfortable if the entire Board could review the proposed revisions to the site plan. Mr. Marshall advised that they have no problem with that. Matthew Sush advised that he thought banking would be grassed, not landscaped. You can't plant a tree in crusher run with two inches of top soil. Mr. Marshall advised that they can install a gravel base with grass, but the grass usually dies. Matthew Sush felt that this does not change the runoff coefficient either. Matthew Sush further added that he thought grass and pavement have essentially the same runoff coefficient and Mr. Marshall advised it was very different. Mr. Marshall advised that if the Board permits the banked parking spaces, he recommended removing several portions of spots throughout the site. In the end, if the 18 spots are needed, there are 43 in use. Acting Chairman Kiefer reiterated that the Board would feel more comfortable with waiting for an entire Board to be present before they vote on that. The Board felt that Mr. Marshall should come to the Board with various scenarios concerning banking the parking spots. Mr. Marshall advised that the proposal is for the 61 parking spaces. The design

does not change. If the Board entertained banking the spaces, it would just involve incorporating the green spaces. Acting Chairman Kiefer advised that the Board does want to see better screening between the adjacent homes. Matthew Sush asked about if the applicant would be using a center entrance and Mr. Marshall advised that Dollar General was going to let them know. The Board felt it was the most sensible solution. He feels that it will be acceptable to Dollar General. Matthew Sush asked about the islands and Mr. Marshall advised they would be fully landscaped with ornamental trees, shrubs and ground covers. They will also do the same near Glen Wild Road. Attorney Paula Kay asked if all pallets are going to be contained in the back of the site. Mr. Marshall confirmed they would and any refuse or storage materials would be at the rear of the site. Attorney Paula Kay asked that this be noted on the site plan. Matthew Sush discussed an additional scenario on banking spots (although he is not totally in favor of the same) and Mr. Marshall advised that the applicant will do whatever the Board wants. Michael Croissant agreed, and suggested putting islands throughout the site with trees, etc., to dress up the interior of the lot and makes it look a lot better. Mr. Marshall advised that they have discussed moving groups of two parking spaces to do just that. Mr. Marshall felt that groups of two spots was easier to remove landscaping and pave if in fact they needed to gain more parking spaces.

Mr. Marshall advised that the applicant wants to proceed and asked for the Board's input on the rest of the site. Michael Croissant advised that just like the gas station on the corner, they are trying to stay with a theme, similar to the Rock Hill Pharmacy. Mr. Marshall advised that they are working with the applicant on that but they were waiting for final decisions on the parking lot, etc., to make any final determination on siding, etc. Michael Croissant advised that materials used to side the building should not be difficult to decide on even if design is not fully agreed on. Mr. Marshall advised that the applicant will work with the Board to get something that really fits in the community, along the lines of The Sullivan and Rock Hill Pharmacy.

The Board advised that they will review this matter further at the June 22, 2016 meeting. Mr. Marshall wanted to know if the Board wanted further plans, including preliminary landscaping and lighting plans. The Board all felt that this was a good idea. Mr. Marshall advised that the plan would change based on the parking space issue.

Attorney Paula Kay asked when the traffic study begins and Mr. Marshall advised in a few weeks. The Board felt that the last week of June was the best time to start and Mr. Marshall agreed that this did not make sense.

A motion to close the meeting at 8:12 p.m. was made by Michael Croissant and seconded by Matthew Sush.

3 in favor; 0 opposed

Respectfully submitted,


Kathleen Brawley, Secretary
Town of Thompson Planning Board