

APPROVED

**TOWN OF THOMPSON
ZONING BOARD OF APPEALS
Tuesday, January 12, 2016**

IN ATTENDANCE:

Chairperson Richard McClernon, Richard Benson, Brian Soller, Kathleen Brawley, Secretary, Paula Elaine Kay, Attorney and James Carnell, Director - Building/Planning/Zoning

Absent: Robert Hoose, Pamela Zaitchick and Jose DeJesus, Alternate

Chairman McClernon called the meeting to order at 7:00 p.m. with the Pledge to the Flag.

A motion to accept the December 8, 2015 meeting minutes was made by Richard Benson and seconded by Brian Soller.
3 in favor, 0 opposed

STEVEN ADELSBERG and RENEE ADELSBERG (continuation of hearing)

Property is located in the SR Zone at 473 Sackett Lake Road, Monticello, NY; S/B/L: 45.-3-3
Avi Adelsberg, David Adelsberg, Patrick Hatcher and Doug Brownsee from Westchester Modular Homes

A motion to re-open the public hearing was made by Brian Soller and seconded by Richard Benson
3 in favor; 0 opposed

Chairman McClernon re-read the public notice. Applicants are requesting area variances from §250-7 of the Town of Thompson Zoning Code for the purpose of: 1) Permitting an increase in lot coverage from the permitted 20% to 41%; 2) Permitting a reduced front yard setback from the required 40 feet to 32 feet; 3) Permitting a reduced side yard setback from the required 15 feet to 6 feet; and 4) Permitting reduced combined side yard setbacks from the required 40 feet to 16 feet.

Proof of mailing of the public notice was previously submitted to the secretary.

An updated survey of the premises reflecting the new construction versus the old construction was provided to the Board. The Board further confirmed the setback amounts and lot coverage.

The Board discussed the fact that they did not like the doubling of the lot coverage. Applicants advised that the new building is much nicer than the present building. The present building is also very small. The Applicants advised that the height is 26 feet which is permitted in the zone. The sewer line was also addressed and noted on the new map. There is a shared well on the subject premises.

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Colette Victor – neighbor. She noted some concerns. The applicants did stake the property and noted the address of the premises from the road as per the Board's request. She feels that the request is substantial at 40% larger than the present building. She also feels that it is a fire hazard as the building will be closer to her home. Chairman McClernon showed Ms. Victor a copy of the new survey. Ms. Victor also has concerns that they are connecting into the existing sewer and the building has 7 bathrooms which she feels is a lot. The well is shared with seven houses already. Attorney Paula Kay asked if the Victors have a well sharing agreement and they advised that it is in their deeds. Attorney Paula Kay advised that any issues with the well have to be taken up with the Department of Health if 7 homes are using the property. Attorney Paula Kay advised that the deeds should be specific to maintenance and people who are permitted to utilize the well. Mr. Adelsberg advised that the well may not be used and they may go with another avenue to address the well. The Board noted that there were problems previously with the Board of Health in connection with well issues, but Attorney Paula Kay advised that the circumstances of this matter are different. Ms. Victor also advised that there is a drainage problem and the applicants should address the same. Mr. Hatcher advised that that is being addressed. Ms. Victor also advised that there are oil tanks which are leaking and the applicants should address the same. Ms. Victor felt that this new structure would be better placed on the lot nearer to the road. Mr. Adelsberg advised that the lot coverage issue is mostly due to decks and not the actual structure. He also advised that they have moved the home further away from the Victors home than what is currently here. Ms. Victor questioned fire separation distances. She felt the applicants could reduce the size of their house and still have a nice home. Mr. Hatcher advised that the house was designed around the site and they do not have an alternative home. Chairman McClernon suggested the applicants find a smaller, two-story home. If they try to go higher, they may need a variance for the height. Brian Soller felt that a view issue would be created if the house was higher. Jim Carnell advised that there is no issue with fire separation distance in accordance with the Fire Code. Chairman McClernon noted that the new home will be safer and more fire-resistant than what is existing.

Jim Carnell advised that the variance from 20% lot coverage to 40% coverage does not necessarily mean that the home was at or under 20%. Mr. Hatcher advised that the house size has not doubled. The decks, etc., add to the lot coverage.

Brian Soller asked what the history of the area is. Jim Carnell advised that many of the lots are small and do not comply with current codes and lot coverage percentages.

Ms. Victor advised that while she is happy they are building a new home, she does not want to live like she is in Brooklyn. Ms. Victor also asked where cars would be parked. She has concerns about large trucks coming onto their driveway, which is already in disrepair. Mr. Hatcher advised that they will not make much of an impact and they try to leave the property as if they were never there.

Chairman McClernon asked how many bedrooms would be in the new home and the applicants advised there would be eight. The applicant advised that they took away a lot of common areas to make room for the extra bedrooms. Chairman McClernon suggested they build the new home closer to the street. The applicants want to be closer to the lake. The applicants had concerns that if they take down the house nearer to the lake they would not be able to rebuild. The applicants

advised that they have spent a year planning this home and took a lot of time to be sure it fits the space. Chairman McClernon advised that the other new modular, which Mr. Hatcher referred to in the meeting, was moved further away from the lake to accommodate neighbors.

The Board had no further comments.

- (1) Can the benefit sought by the applicant can be achieved by some method which will be feasible for the applicant to pursue but would not require a variance? All voted no.
- (2) Will an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance? 2 voted no; 1 voted yes (McClernon).
- (3) Is the requested area variance substantial? All voted no.
- (4) Will the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? All voted no.
- (5) Is the alleged difficulty self-created? All voted yes.

A motion to approve the variances as requested was made by Richard Benson and seconded by Brian Soller
3 in favor; 0 opposed

DAVID FISHOF

Property is located in the HC-1 Zone at 12 Jenn Lane, Monticello, NY - S/B/L: 45.-2-1

The applicant withdrew his application.

TACO BELL

Property is located in the HC-2 Zone at 4379 State Route 42, Monticello, NY - S/B/L: 13-2-2.1.
Glenn Smith P.E. and Duncan Cameron

Chairman McClernon read the public notice. Applicant is requesting an area variance from §250-11 of the Town of Thompson Zoning Code for the purpose of: 1) permitting an increased freestanding sign size/area from the maximum 20 square feet to 52 square feet (combined 104 square feet for both sides of sign); 2) permitting an 8 foot setback of said sign from the property line from an undetermined sign setback; 3) permitting a 20 foot high sign from an undetermined sign height.

Proof of mailing of the public notice was submitted to the secretary.

The determination of the Sullivan County Planning Department pursuant to GML §239 dated January 11, 2016 was received by the Board, from which it should be noted the Planning Department recommended local determination of this application.

Mr. Smith provided the Board with an amended site plan which reflects the requested sign. He also provided a picture of the proposed sign. He cannot find a requirement on the sign height and

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that is why he asked for the variances from an undetermined amount. Mr. Smith also provided entrance signs for the Board to review. Mr. Smith further provided photos from neighboring signs and a summary of the existing sign heights in the area.

Mr. Smith advised that the Planning Board would like for a sign to be constructed with stone. Chairman McClernon advised that he recently saw a fast food restaurant that has a stone sign and it was very attractive and not unsightly.

Chairman McClernon noted that the Planning Board had set limitations on the sign height and Mr. Smith advised that they suggested 25 feet but the proposed sign is only 20 feet high.

The Board had no further comments. There was no public comment.

(1) Can the benefit sought by the applicant can be achieved by some method which will be feasible for the applicant to pursue but would not require a variance? All voted no.

(2) Will an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance? All voted no.

(3) Is the requested area variance substantial? All voted no.

(4) Will the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? All voted no.


(5) Is the alleged difficulty self-created? All voted yes.

A motion for negative declaration motion under SEQRA was made by Richard Benson and seconded by Brian Soller
3 in favor; 0 opposed

A motion to approve the variances as requested was made by Brian Soller and seconded by Richard Benson
3 in favor; 0 opposed

A motion to adjourn the meeting at 7:33 p.m. was made by Brian Soller and seconded by Richard Benson.
3 in favor; 0 opposed

Respectfully submitted,


Kathleen Brawley, Secretary
Town of Thompson Zoning Board of Appeals

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