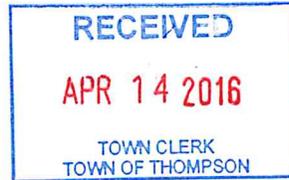


**TOWN OF THOMPSON  
ZONING BOARD OF APPEALS  
Tuesday, March 8, 2016**



**APPROVED**

**IN ATTENDANCE:**

Chairperson Richard McClernon, Richard Benson, Brian Soller, Pamela Zaitchick, Jay Mendels (alternate) Kathleen Brawley, Secretary, Paula Elaine Kay, Attorney and James Carnell, Director of Building/Planning/Zoning

Absent: Robert Hoose 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 January 12, 2016 meeting minutes was made by Richard Benson and seconded by Brian Soller.

3 in favor, 0 opposed

**NOB HILL COUNTRY CLUB INC. (Continuation of hearing)**

**Property is located in the SR Zone at 4599 State Route 42, Monticello, NY, S/B/L: 9-1-51  
Jay Zeiger, Esq., D. Randel Wasson, P.E., and Abe Berkovic**

Chairman McClernon read the public notice. Satisfactory proof of mailing was previously provided to the Secretary.

The Board is in receipt of the County Planning Department's review under GML §239 received and noted that the same recommended local determination.

Mr. Zeiger advised that the plan is to substantially improve what exists on this property and expand the property. They are going to do it in two parts. Mr. Wasson showed the Board where the lines will be and the old versus the new sections. The property will be subdivided. Lot one will include 44 existing bungalows. All of those would be reduced down to 25 units. There is a three-unit building on the site which will become two units. The footprint will increase on that unit which will increase to 3300 square feet and is shown on the plan. The remaining units on the plan are future homes on Lot 2. It is under discussion, but not a certainty. They want to get the bungalow portion of the improvements taken care of. Chairman McClernon asked about the Bel Air unit and the possibility of reducing the proximity to other structures. Mr. Wasson advised that they would like to keep the building as is and build the same with fire-rated materials. Attorney Paula Kay advised that the Board can add that condition to their determination. Jim Carnell advised that the buildings are not coming closer to one another with the renovations but due to the fact that they are remodeling, they must ask for these variances. Pamela Zaitchick is concerned because one of the buildings has a boiler in the basement. Ms. Zaitchick also noted that there are air conditioning units coming out of both buildings which may prohibit of fire apparatus access. Brian Soller noted that even without the air conditioning units, there is limited access. Chairman McClernon also

Town of Thompson ZBA  
March 8, 2016

noted that there is an issue between other units – a walkway between the garage and another building which may be a fire issue, as it appears to create a wind tunnel between the buildings. Mr. Wasson advised that they can remove the connection between two buildings. Attorney Paula Kay reminded the Board that the Planning Board can [250-21(2) (noxious odors, etc.)]. If and when this Board is done, this applicant is going before the Planning Board and the Planning Board will do a thorough determination. Mr. Zeiger reminded the Board that Unit 60-62 was going to be over 6000 square feet and the ZBA recommended it be smaller; the applicant has reduced it to 3300 square feet.

The Board had no further comments.

There was no public comment.

WITH RESPECT TO ITEM 1 ON APPLICANT'S REQUEST:

- (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  
4 in favor; 0 opposed

A motion was made by Brian Soller and seconded by Richard Benson to approve the variance as requested, subject to the Building Department's review of any potential fire safety issues between the Bel Air unit and the adjacent unit. The Board recommends that any new construction on these units be made with upgraded fire resistance. In addition, the approval is conditioned upon the removal of the breezeway between unit B1 and the garage.  
4 in favor; 0 opposed

WITH RESPECT TO ITEM 2 ON APPLICANT'S REQUEST:

- (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.

Town of Thompson ZBA  
March 8, 2016

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

A motion for negative declaration motion under SEQRA was made by Pamela Zaitchick and seconded by Brian Soller  
4 in favor; 0 opposed

A motion to approve the variance as requested was made by Brian Soller and seconded by Pamela Zaitchick  
4 in favor; 0 opposed

WITH RESPECT TO ITEM 3 ON APPLICANT'S REQUEST:

- (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 Pamela Zaitchick and seconded by Brian Soller  
4 in favor; 0 opposed

A motion was made by Brian Soller and seconded by Richard Benson to approve the variance as requested, subject to the Building Department's review of any potential fire safety issues between the Bel Air unit and the adjacent unit. The Board recommends that any new construction on these units be made with upgraded fire resistance. In addition, the approval is conditioned upon the removal of the breezeway between unit B1 and the garage.  
4 in favor; 0 opposed

WITH RESPECT TO ITEM 4 ON APPLICANT'S REQUEST:

- (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.

Town of Thompson ZBA  
March 8, 2016

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

A motion to approve the variance as requested, including the reduced size of Unit 60-62 to 3,300 square feet, was made by Brian Soller and seconded by Richard Benson  
4 in favor; 0 opposed

**JEFFREY WEINSTEIN AND BARBARA WEINSTEIN**

**Property is located in the SR Zone at 19 Douglas Street, Rock Hill, NY, S/B/L: 52.P-3-7  
Zachary D. Kelson, Esq. and Dr. Jeffrey Weinstein**

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

Correspondence from Emerald Green Homeowners Association (approving the application) and Glenna Fratello, a neighbor, were received by the Board.

Mr. Kelson advised that the applicant want to add a 6x12 deck on the side of their home and he provided a photograph of the rear of the home. There is not much non-conformity, it is less than 3 feet. There is a 20% requirement of lot coverage and they are at 20.8% which is also not substantial. There is a shed on an adjoining property. The applicant had no idea. As soon as weather permits, the applicant will move the shed completely on to the applicants' lot.

Public Comment: Richard Stoloff, Esq., attorney for Siegel, an adjoining neighbor. The Siegels have no objection to the variances, but want the approval subject to the removal of the shed within Town zoning rules. They also want a time to have the shed removed within a specific period of time. Attorney Paula Kay asked the applicant when will the deck be constructed and Dr. Weinstein advised the builder said it could be done as soon as the variances are requested. Mr. Kelson advised that if the weather is good, they will move the shed, they just want to be sure that it is not too wet, etc. Richard Benson asked as to the size of the shed and it is 9'x12'. Jim Carnell felt that if the builders are there for the deck, they can certainly move the shed at that time. Mr. Kelson was not sure if the same builders would be moving the shed. Joe DeJesus advised that the ground is wet and it may in fact be difficult to remove.

Jim Carnell advised that thirty days should be reasonable. Chairman McClernon also felt that if ruts are put in, any company can also repair the ruts. Mr. Kelson advised that if for some reason they cannot move it within thirty days, they will contact the building department and advised they need more time.

Mr. Kelson addressed the letter from Fratello and that their property is not near the area in questions.

Town of Thompson ZBA  
March 8, 2016

- (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 was made by Brian Soller and seconded by Pamela Zaitchick to approve the variance as requested, subject to removal of the shed from the neighboring property within thirty days from today's date (weather permitting) and also subject to review of the Building Department.  
4 in favor; 0 opposed

**FRANK TURNER AND TAMMIE TURNER**

**Property is located in the RR-1 Zone 204 North Shore Road, Rock Hill, NY, S/B/L: 38.-3-3  
Tim Gottlieb, P.E.**

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

Mr. Gottlieb advised that the applicants intend to remove the existing home and garage and construct a new home and garage. Chairman McClernon inquired about the rear of the home being built into the electric company right-of-way and whether the same is permitted. Mr. Gottlieb advised that it is a utility right-of-way and they may have to move.

Chairman McClernon also asked if covering the absorption bed in the front of the building is a good idea and Mr. Gottlieb advised it will not be a problem. Jim Carnell asked if this needed Department of Health approval and Mr. Gottlieb advised it will not because it is a replacement system. They cannot increase the number of bedrooms and it is substantially the same. Mr. Carnell confirmed that is true. Mr. Carnell asked if the deck over the absorption bed is cantilevered which Mr. Gottlieb advised it would be. Pamela Zaitchick was concerned about the setback amounts and the fact that she is concerned about the small amount. Mr. Gottlieb advised that they are building in substantially the same location as the existing buildings and not asking for a larger variance. Attorney Paula Kay advised that there is one adjacent neighbor here and that may answer any questions the Board has. The Board noted that there is just a shed/covered parking area and not a garage presently existing on the premises. Chairman McClernon asked if the applicant could move the garage and Mr. Gottlieb advised it could not because of the location of the existing well. It may also cause a problem for access. He may be able to reduce the size of the garage a little bit. Pamela Zaitchick noted that the shed is currently on the lot line but that it is increasing in size and height.

Town of Thompson ZBA  
March 8, 2016

PUBLIC COMMENT:

Terri Epstein – adjacent neighbor. She does call the “shed” a garage. When you invest in lakefront property, it is very difficult to work with the land they have. They have to be able to live on what they have. They are good neighbors. The garage may be taller, it is not a problem. The home being closer to the lot line is really not a problem. We pay higher taxes to live on the water and they try to be understanding with their neighbors so they too can use and enjoy their property. Mr. Turner is a great neighbor and she is right next door.

The Board noted that we have a letter from the HOA directed to the Building Department. Attorney Paula Kay spoke with the HOA President and he has no objection to the application.

The Board questioned being able to building the utility easement. Mr. Sohns, a member of the audience, advised that it is not a right-of-way but an easement.

The Board suggested that Mr. Gottlieb speak with the building department about building in the easement. Any determination of this Board will be subject to confirmation they can build the covered porch which is in the easement or remove the porch from the plan. Attorney Paula Kay asked that Mr. Gottlieb provide her with a copy of the easement. Mr. Benson advised that perhaps the utility company may not have a problem with the applicant building in the easement.

- (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? 3 voted no; 1 voted yes (Zaitchick).
- (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 was made by Brian Soller and seconded by Pamela Zaitchick to approve the variance as requested, subject to confirmation that NYSEG or the Building Department will permit construction within the easement or the Town Attorney’s review and approval of the amended plan with the covered porch removed.

4 in favor; 0 opposed

**CHRISTOPHER BEATRICE AND SUSAN BEATRICE**

**Property is located in the RR-2 Zone, 105 Canal Road, Wurtsboro, NY, S/B/L: 66.-15-9  
Tim Gottlieb, P.E.**

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

Town of Thompson ZBA  
March 8, 2016

Tim Gottlieb advised that the variance requested is 22 feet and not 22.85 feet.

The Board noted that this variance was previously approved by the Board but due to an error on the applicant's part, they had to come back.

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 to approve the variances as requested was made by Pamela Zaitchick and seconded by Brian Soller  
4 in favor; 0 opposed

**TEN HANOFEE ASSOCIATES, LLC**

**Property is located in the HC-1 Zone 44 Lanahan Road, Monticello, NY, S/B/L: 13.-1-31.1  
Tim Gottlieb, P.E. and Jorge Delgado**

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

Mr. Gottlieb advised that the applicant is buying an existing residence and concerting into a chiropractic office. He is not changing anything other than putting in a handicap ramp and stairs on the easterly side of the building which is why they need the requested variances.

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.

Town of Thompson ZBA  
March 8, 2016

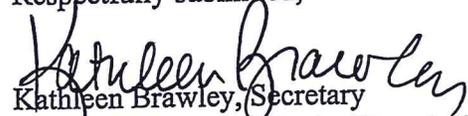
A motion to approve the variances as requested was made by Brian Soller and seconded by Richard Benson

4 in favor; 0 opposed

A motion to adjourn the meeting at 7:38 p.m. was made by Brian Soller and seconded by Richard Benson.

4 in favor; 0 opposed

Respectfully submitted,



Kathleen Brawley, Secretary  
Town of Thompson Zoning Board of Appeals

Town of Thompson ZBA  
March 8, 2016