



**APPROVED**

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

**IN ATTENDANCE:**

Richard Benson, Robert Hoose, Pamela Zaitchick, Jay Mendels and Jose DeJesus (Alternate), James Carnell, Director of Building/Planning/Zoning, Paula Elaine Kay, Esq. and Kathleen Brawley, Secretary

Absent: Chairperson Richard McClernon

Acting Chairman Benson called the meeting to order at 7:00 p.m. with the Pledge to the Flag. Acting Chairman Benson appointed Joe DeJesus as a voting member for tonight's meeting in Richard McClernon's absence.

A motion to accept the October 18, 2016 meeting minutes was made by Jay Mendels and seconded by Robert Hoose.  
5 in favor, 0 opposed

A motion to take the agenda out of order and place the NYSEG hearing last was made by Pamela Zaitchick and seconded by Robert Hoose  
5 in favor; 0 opposed

**DINA SABOL**

Property is located in the SR Zone at 516 Sackett Lake Rd, Monticello, NY; S/B/L: 45.-7-13  
Yaakov Sufrin

Acting Chairman Benson read the public notice: Applicant is requesting an area variance from §250-7 of the Town of Thompson Zoning Code for the purpose of permitting a reduced pool setback from the required 25 feet to 13 feet.

Satisfactory proof of mailing was provided to the Board.

Mr. Sufrin presented a sketch of the lot which reflects the home, garage and existing pool area. There was a pool previously, but it has been back filled. Mr. Sufrin showed the Board where they would like to place the pool and is asking for the variance so that there is room to access and move various jet skis, tractor, etc., through the back yard. Mr. Sufrin showed the Board a photo of the existing lot and the obstructions. Pamela Zaitchick asked if it was an above ground pool and Mr. Sufrin advised it was going to be an in-ground pool. Mr. Sufrin also explained that for him to keep within the code, he would have to remove long-standing trees and landscaping. In addition, if he locates the pool in other areas to maintain the required setbacks, it renders some part of the lot unusable. Mr. Sufrin advised that the new pool will be in line with the prior existing pool. Acting Chairman Benson noted that the actual setback amounts should be noted on the plan and they are

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not at the present time. Pamela Zaitchick asked about the Town sewer line and Mr. Sufrin advised that the line is in the road. A question was raised about whether the patio or decking was included in the setback amounts and Jim Carnell advised they are not considered and setbacks are calculated from the pool itself.

The Board had no further questions.

There was no public comment.

**AREA VARIANCE CRITERIA:**

- (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 will a detriment to nearby properties 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 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 variance as requested was made by Robert Hoose and seconded by Jay Mendels  
5 in favor; 0 opposed

Acting Chairman Benson asked the applicant to be sure to provide the Building Department with a map with the setbacks clearly noted on the same.

**DTJS HOLDINGS LLC**

Property is located in the HC-2 Zone at 884 Old Route 17, Harris, NY; S/B/L: 4.-1-28.4  
Bobby Mapes

Acting Chairman Benson read the public notice: Applicant is requesting an area variance from §250-11 of the Town of Thompson Zoning Code for the purpose of permitting an increase in the square footage of a sign exceeding the linear feet of road frontage from the permitted 200.29 square feet to 351.5 square feet; to permit signs advertising the permitted use from the permitted 1 sign to 2 signs; and permitting an increase in the square footage of a sign not identifying the permitted use from the permitted 20 square feet to 37.5 square feet.

Satisfactory proof of mailing was provided to the Board.

Mr. Mapes advised that he painted the side of his building with his logo. He did this to assist his customers to find his building, as he is remote and customers pass the building all the time. The Town considers this logo a sign for purposes of Code and that is why he is here.

Mr. Mapes provided the Board with a letter from Smalls Plumbing consenting to the variances

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requested. Smalls Plumbing assumed this was for new signage and Mr. Mapes confirmed it is for the existing sign on the building.

The Board had no questions.

There was no public comment.

The Board received the Sullivan County Planning Department's review under GML §239 which referred this matter to the Board for local determination with no comments.

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- (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 will a detriment to nearby properties 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 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 Robert Hoose and seconded by Joe DeJesus.  
5 in favor; 0 opposed

A motion to approve the variances as requested was made by Pamela Zaitchick and seconded by Robert Hoose  
5 in favor; 0 opposed

**AMERICAN THEOLOGICAL INSTITUTE, INC.**

Property is located in the HC-2 Zone at 4493 State Route 42, Monticello, NY; S/B/L: 13.-1-27  
Joel Kohn and Herschel Grun

Acting Chairman Benson read the public notice: Applicant is requesting an area variance from §250-11 of the Town of Thompson Zoning Code for the purpose of permitting an increase in lot coverage from the permitted 10% to 11.21%

Satisfactory proof of mailing was provided to the Board.

Although requested, the Sullivan County Planning Department's review under GML §239 was not received, so the Board will take no action tonight.

Mr. Kohn advised that the camp is looking to add a dining room and dormitory building. This is a camp that has been in operation for many years.

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Acting Chairman Benson asked what the camp is being used for. Mr. Grun advised that the camp is open 8-9 weeks a year and closed the rest of the year. There is a caretaker living at the site. It is a religious camp, there are campers and day campers. Attorney Paula Kay asked if that meant kids are bussed in and Mr. Grun advised that is correct. Mr. Grun advised that the dining room is presently being run in shifts and is very complicated to maintain the Department of Health guidelines and they have to run very tight shifts. There are 170 campers who sleep at the camp and they presently bus in an additional 200 campers each day. They want to add another dormitory to add 50-60 beds to accommodate more campers and reduce the number of day campers. Attorney Paula Kay asked about staff to camper ratios and Mr. Grun advised that they have many families that stay on the site. Mr. Grun advised that the number of campers will remain about the same, just they will now be staying at the camp. Campers who come daily to the camp want to eventually come and stay for the summer. He does not believe the number of campers or staff will change because it will just be that more campers will be sleeping at the camp. Attorney Paula Kay advised Mr. Grun that the County Planning Department is asking for this information. Mr. Grun confirmed that this is a camp. The Board asked if it was considered a camp or a bungalow colony and Jim Carnell advised it is considered a 417. Jay Mendels asked about the density on the site. Attorney Paula Kay asked about the number of campers will be added. Mr. Kohn advised 50-60 people. Attorney Paula Kay asked if there was a density calculation done and Mr. Grun advised that it will remain the same number of kids, they will just be staying on the site rather than being bussed in daily. Attorney Paula Kay advised that they may need to have a work session on this application. Joel Kohn questioned how you can calculate density on a camp. Attorney Paula Kay felt a meeting with the Town Attorney, Engineer, Jim Carnell and County Planning Department may be helpful.

#### PUBLIC COMMENT:

Robert Owens, Manager for Waterways. Mr. Owens advised that this Board has previously addressed this camp and the fact that busses are being parked on Route 42. This has not been resolved. If there are more campers and more busses, what accommodations will be made to ensure this issue is addressed? Mr. Owens spoke with the Highway Department and they said it is out of their control. Jay Mendels asked how they were supposed to correct this issue and Mr. Owens advised that they were supposed to reconfigure their parking to fix this issue. Last summer, 11 coach buses were parked on Route 42. That is a lot of people getting on buses on Route 42. Mr. Kohn advised that this matter was before the Planning Board in 2011. The Planning Board did ask that buses be parked off the Route. Mr. Kohn advised that there were one or two times during this summer where buses were parked on Route 42. The Planning Board just recently advised the applicant that they have to address this issue. Bob Hoose felt that staggering the pickups would alleviate the issue of parking on Route 42. Mr. Grun advised that now every daily bus comes onto the site for loading or unloading. They never do it on Route 42. The only time they did it this summer was because there was an issue with a ditch and accessing the site by the buses. Attorney Paula Kay confirmed that the Planning Board is addressing that issue as well.

Mr. Grun advised that they are looking to reduce their daily bus transportation by adding the dormitory, which will reduce the number of day campers.

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Jenny Hilton, Kiamesha Lake Apartments. The buses are still being parked on the road. She is aware of the drop-off by the entrance of the site. Buses and vehicles are often stuck in that area which causes significant traffic. Ms. Hilton advised that this is a very active camp all summer long with people and deliveries, etc. She believes adding another building would be detrimental to the area and have an adverse effect to their property.

A motion to hold this public hearing open until the December 13, 2016 meeting was made by Robert Hoose and Joe DeJesus  
5 in favor; 0 opposed

Pamela Zaitchick asked if the County Planning Department will want assurances that the buses will not be parked on Route 42 and Attorney Paula Kay said she assumed so, but she cannot speak for the County. Jim Carnell advised that there are school buses that can access the property every day. The large coach buses (which are used for camp trips, etc.) are the problems, because they are too big to access. Attorney Paula Kay reminded the Board that this issue is being addressed by the Planning Board.

**ICHUD FOUNDATION, INC.**

Property is located in the SR Zone at NYS Route 42, Monticello, NY; S/B/L: 28.-1-22

The applicant withdrew its application.

**CHOICE PROPERTIES OF MONTICELLO LLC (VALERO)**

Property is located in the HC-1 Zone at 4020 State Route 42, Monticello, NY; S/B/L: 13.-3-39

The applicant did not appear.

**NYSEG (Continuation of hearing)**

Property is located in the HC-2 Zone at 21 Katrina Falls Road, Rock Hill, NY; S/B/L: 51.-2-41.2

The applicant did not appear.

Jim Carnell advised that Nob Hill is in the process of doing a subdivision and site plan approval. They want to cut the property in half and keep one half a colony and the other a co-op ownership which would allow the applicant to develop the property, as colonies are not permitted in the zone. This Board previously approved variances for this applicant which expired in September 2016. They did not request an extension timely and they are expired. The attorney for the applicant asked if this Board would reconsider. Attorney Paula Kay advised she spoke to Mr. Zeiger as well and his request that this Board waive the meeting requirement and grant the extension. Attorney Paula Kay had §250-47 of the Town Code read aloud, which specifically states:

“Unless construction is commenced and diligently prosecuted within six months of the date

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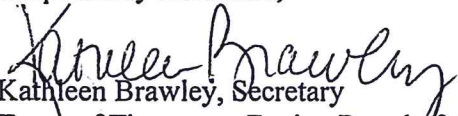
of the granting of a variance, such variance shall become null and void. Provided that there are no substantial changes in the immediate neighborhood, the officers and employees of the Building Department may grant a six-month extension of the original variance if construction has not been commenced within the first six months and a request for an extension has been received by the officers and employees of the Building Department prior to the expiration of the first six months. In the event that the officers and employees of the Building Department determine that there are substantial changes in neighborhood conditions, an extension may be granted by the Zoning Board of Appeals, which need not hold a hearing for the purpose of granting said extension. An applicant shall be entitled to only one extension without the requirement of refiling for a variance.”

After discussion, the Board agreed that the applicant would have to re-apply for the variances previously granted.

A motion to adjourn the meeting at 7:45 p.m. was made by Robert Hoose and seconded by Jay Mendels.

5 in favor; 0 opposed

Respectfully submitted,

  
Kathleen Brawley, Secretary  
Town of Thompson Zoning Board of Appeals

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