

APPROVED

TOWN OF THOMPSON
ZONING BOARD OF APPEALS
Tuesday, March 21, 2017



IN ATTENDANCE: Chairman Richard McClernon Richard Benson
 Pamela Zaitchick Jay Mendels
 Paula Elaine Kay, Attorney
 James Carnell, Director of Building/Planning/Zoning
 Debbie Mitchell, Secretary

Absent: Robert Hoose and Jose DeJesus

Chairman McClernon called the meeting to order at 7:08 p.m. with the Pledge to the Flag.

A motion to approve the February 14, 2017 minutes was made by Pamela Zaitchick and seconded by Jay Mendels
4 in favor, 0 opposed

APPEAL BY: CATSKILL REGIONAL MEDICAL CIR.

Property is located in the HC-2 with Central W/S at , State route 42, Monticello, S/B/L: 13.-3-2.1
Sam Paglianite, Jones Lang LaSalle Inc
Stephen Sugrue, VP Compliance and Real Estate for Catskill Regional

Applicant is requesting a(n) area variance from §250 of the Town of Thompson Zoning Code for One sign identifying the permitted use required 20 Sq. Ft. to propose 164 Sq. Ft. and One sign identifying permitted use required one sign to proposed two signs.

Satisfactory proof of mailing was provided to the Board.

Mr. Paglianite- We are hoping to be open by Memorial Day. Seeking relief from 1 sign to 2 signs and changing one of the signs from 20 sq. feet to 164 sq. feet. The reason for seeking relief is because the building is on a corner lot and there are 2 entrance's. The two entrances are: Route 42 and one on the Concord Road. The sizes for the signs are: 4' x 8' on Concord road and 5' x 10' on Route 42. The sizes are US DOT designed. The letters are 6" high on the 4' x 8' and 8" high on the 5' x 10' sign for readability and speed. The sign on Route 42 is larger because of the speed on the road it makes it easier and safer for people to read. The signs are illuminated since the facility is open at night. Sheet of aluminum as a base and the letters are stenciled cutouts and lit from the back. It might look dark during the day but at night it lights up white.

Pamela Zaitchick – What are the numbers on the sign? Mr. Paglianite - 38 Concord Road that's the address of the facility.

Mr. Paglianite – The considerations that the board wishes for us to address. 1 - We don't think it feasible to gain benefit of what these signs produce in terms of the identification and safety. We tried to keep these signs to a minimum size and we had them designed by the US DOT standards for that reason.

Mr. Sugrue – We also had to go through the review from Adelaar group. This is the product of their review as well. Mr. Paglianite – We had to go through 2 reviews one from Adelaar and the other from Catskill Regional. We had to keep the identity of Catskill Regional Medical Center as well. We also don't think it make an undesirable change to the surrounding areas. This is much lesser of an impact then the other signs in the area. Like McDonalds, Thompson Square Mall, and KFC. These signs are much larger. (Mr. Paglianite shows the board pictures). We tried to comply with the master declaration of Adelaar. We don't believe this will have an impact on the environment, the signs are LED lit and won't have to be changed in a life time. Because this property has two roadways we feel that the public needs two signs.

Chairman McClernon – The sign that is going on to the property, will that be embedded into the stone wall? Mr. Paglianite – They are both free standing signs. Jay Mendels – It says that they will be integrated into the wall? Mr. Paglianite –The wall will end and then the sign will pick up. Mr. Paglianite – We try to use the rocks in this area so that it blends in.

Mr. Sugrue – Both the signs are included on the landscaping plan too and that had to go through the vigorous Adelaar construction progress as well.

Chairman McClernon – Did you see the 239 M from the county it came in late this afternoon. It's local determination.

Richard Benson -I know that state has brightness required for those signs, are they within those requirements? Mr. Paglianite – The lettering and lighting was designed to the DOT standards.

Chairman McClernon –Any flashing lights? Mr. Paglianite – No.

Paula Kay – We have gotten no written comments from the neighbors and they have done so in the past on other projects.

There was no public comment.

The Board had no further questions.

A motion for negative declaration motion under SEQRA was made by Richard Benson and seconded by Jay Mendels

4 In favor; 0 opposed

AREA VARIANCE CRITERIA:

(1) Whether benefit can be achieved by other means feasible to applicant; All voted no

(2) Undesirable change in neighborhood character or to nearby properties; All voted no

(3) Whether request is substantial; Pamela Zaitchick & Richard Benson No (Jay Mendels & Chairman McClernon Yes) Jay Mendels – I think it's substantial based on the requirement, but I don't think that's a limiting factor.

Pamela Zaitchick – Substantial in the size? Chairman McClernon – In the square footage? Jay Mendels – In the relief that they are asking for. Paula Kay – Compared to what the code requires and what they are asking for. Jay Mendels – I'm not saying I agree to what the code allows. I think its substantial from what the code say's. Richard Benson – Because of the other sign and how they are similar, I don't see it being a big change.

(4) Whether request will have adverse physical or environmental effects; All voted no

(5) Whether alleged difficulty is self-created; All voted yes

Pamela Zaitchick – How does the sing on Concord road compare to other signs on that road?

Chairman McClernon - There are no others signs on the Concord Road.

A motion to approve the area variances as requested was made by Jay Mendels and seconded by Pamela Zaitchick
4 in favor; 0 opposed

APPEAL BY: LEVI TABAK

Property is located in the SR / no W/S zone at , 61 Big Woods Rd, Harris, S/B/L: 1.-1-81
Levi Tabak

Applicant is requesting a(n) area variance from code §250-7 of the Town of Thompson Zoning Code for the following purposes 1) one side yard setback from required 20' to proposed 14.7' and 2) the combined side yard setbacks from required 50' to proposed 47.6'

Satisfactory proof of mailing was provided to the Board.

Mr. Tabak – I purchase a house a while ago and we haven't done any renovations to it. It's within 14 feet from the neighbor's vacant land. They might have a small hut or building way in the back where he might do some hunting. Upfront by my home we see nobody. We just want to make the existing structure larger and add a porch.

Richard Benson – Where is the septic and water? Mr. Tabak – (Shows the map.) The water is to the Left of the house in the front yard. The septic is also on the left side of the house but in the back.

Richard Benson – We are concern about building by the septic and water. Mr. Tabak – Septic is in the back left of house and we are not building by it at all.

Jay Mendels – On notice of disapproval it says that you will update the map to show's septic?

Mr. Tabak – I did that and gave it to building department. Jay Mendels - Do we need to include that into these plans? Paula Kay – Can show it as a condition.

Paula Kay – Jim do you know who in the building department is looking at these plans?

James Carnell – No, I'm not really sure. Mr. Tabak – Logan is the one who requested that I do a survey. She said she needed to see it prior to the permit.

Paula Kay – Ok, just checking since it's on the disapproval.
Richard Benson – We can just add it as a conditional.

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

AREA VARIANCE CRITERIA:

(1) Whether benefit can be achieved by other means feasible to applicant; All voted no

(2) Undesirable change in neighborhood character or to nearby properties; All voted no

(3) Whether request is substantial; All voted no

(4) Whether request will have adverse physical or environmental effects; All voted no

(5) Whether alleged difficulty is self-created; All voted yes

Jay Mendels – I don't know if it's really self-created since the house was already in existence.
Chairman McClernon – but he's putting the addition on. Richard Benson – He changing the building.

A motion to approve with a condition that the updated map showing the sewer and water will be given to the building department and on the area variances as requested was made by Richard Benson and seconded by Jay Mendels
4 in favor; 0 opposed

APPEAL BY VEIA-LIFESTYLE INC

Property is located in the SR zone at , 420 Anawana Lake Road, Monticello, S/B/L: 9.-1-1.1
Glen Smith

Applicant is requesting a(n) area variance from §250-7 of the Town of Thompson Zoning Code for One free standing entrance drive sign from required 2 square feet sign area to proposed 128 square feet.

Satisfactory proof of mailing was provided to the Board.

Mr. Smith – Looking to put a sign 40 feet off of the Anawana Lake road. The proposed sign will be maximum 8' high by maximum 16' long. It will have trees and shrubs behind it. It will have a 12" wide concrete slab that's going to sit on its edge on the ground on a footing. It will have trees and shrubs behind it. 15" high letters with a 3' maximum. It's in the SR zone and as stated on the application the maximum sign size is 2' and we are looking to increase it to 128 maximum and it's a one-sided sign.

Mr. Smith show the Board a picture of the sign that will be at the entrance. Pamela Zaitchick – How many of these trees will be planted around the sign? Mr. Smith – There will be white pines by the sign. Initially they will not be towers over the sign, they have to grow. And behind the sign will be the existing trees. This whole area coming off of Anawana Lake will be landscaped with trees and shrubs.

Jay Mendels – One of our concerns is to have you keeping with the natural landscaping and it looks like you're trying to do that.

Mr. Smith – What did the county say, local determination? Chairman McClernon – Yes, local determination. Mr. Smith – Was it questioning the sign height or size? Chairman McClernon – The size. Richard Benson – Yes, its substantial but If you take into consideration that the building is so far off the road. Mr. Smith – The buildings over a ¼ mile off the road. Also, the road is 55 mph and I hate to see people miss the entrance because there is no place to turn around.

Jay Mendels – I think it's done much more tastefully than a build board. Richard Benson – Or something on posts. Jay Mendels - In this case I can understand it being 8' high. I don't have a problem with the height.

Paula Kay – The county says: The significant variance is justified but must be acknowledged that the degree of the requested variance is extreme so explore whether the proposed size can be reduced and still retrieve the same results.

Pamela Zaitchick – I would like to make a contingency – We are allowing this sign because the building is not being seen and the speed of traffic on the road plus the land scaping is done very well.

Richard Benson – The size is buffered with the trees and stones.

Paula Kay- It is very important that since we can't see the building that the larger sign will be utilized for this property. Jay Mendels – Pamela Zaitchick are you ok with size? Pamela Zaitchick – Yes.

There was no public comment.

The Board had no further questions.

A motion for negative declaration motion under SEQRA was made by Richard Benson and seconded by Pamela Zaitchick

4 In favor; 0 opposed

AREA VARIANCE CRITERIA:

(1) Whether benefit can be achieved by other means feasible to applicant; All voted no

(2) Undesirable change in neighborhood character or to nearby properties; All voted no

(3) Whether request is substantial; All voted yes

Chairman McClernon - Making provision to mitigate because the building is not visible from the road and the speed of traffic.

(4) Whether request will have adverse physical or environmental effects; All voted no

(5) Whether alleged difficulty is self-created; All voted yes

A motion to approve the area variances as requested was made by Richard Benson and seconded by Pamela Zaitchick

4 in favor; 0 opposed

APPEAL BY: PATSON PROPERTIES LLC

Property is located in the SR zone at , 96 Cold Spring Rd, Monticello, S/B/L: 29.-17.1

Richard Kavleski

Applicant is requesting a(n) use variance from §250-7 of the Town of Thompson Zoning code for current use conform to SR zoning regulations. Proposed use as a Storage Building does not conform to the Suburban Residential zoning regulations per §250-7. A Use Variance is required.

Satisfactory proof of mailing was provided to the Board.

Mr. Kavleski – Gave Paula Kay an owners proxy. Paula Kay – I also need one for the Zoning Board Application.

Mr. Kavleski – Looking to change the use variance for our company. It's a undercover warehouse. Everything will be inside and the only change we are looking to do is put in a overhead door. Our hours of operations will be 9 – 5.

Jay Mendels – You will have your office space there as well? Mr. Kavleski – Yes.

Jay Mendels – We are hoping to have the overhead door in the back or on the side of the building.

Mr. Kavleski – We will need a right of away, because right now it's a narrow parcel next to the Town of Thompson and we need to be able to back into the area. Or drive into the back and out the side.

Chairman McClernon – We are trying to keep tractor trailers off of Gandy road. Mr. Kavleski – Tractor trailer would probably only be once a month. We mostly use just pickup trucks with trailers for our spray foam business.

Chairman McClernon – Did you get to see the county's 239 M review? James Carnell – It came in late today.

James Carnell – Back in 2002 the county was looking to limit usage of the county road and utilize Gandy Road for access to the building. Which never materialized. I think at the time that was where the Town Barn was and they were trying to limit the conflict between truck traffic and foot traffic.

Chairman McClernon – Another concern would be about a driveway coming in and out. As far as storage, will everything be inside the building? Mr. Kavleski – Everything will be inside. Except for our employee's cars. Chairman McClernon – Some warehouses start with everything inside and then slowly things start to go outside. Mr. Kavleski - We have expensive stuff and don't want it outside. We are maxed out at our other location and we need to expand so that is why we are looking at this location.

USE VARIANCE CRITERIA

1 – Cannot realize a reasonable return – substantial as shown by competent financial evidence;

Paula Kay – We need to go through the criteria for the use variance to make a determination.

Mr. Kavleski – Show what our use would be?

Paula Kay – You need to show that you can't obtain a reasonable return on your investment. You have to look at the other available uses in this zone.

Mr. Kavleski – It's a service industry I believe like a barber. Not much under this category.

Chairman McClernon – Sports and recreation was a stretch back then.

Paula Kay – Hotels, motels, place of worship, club house, college, parks, libraries, museums, schools and other uses. I think that's how they got in. Chairman McClernon – School? Paula Kay – Yes, it was a baseball school.

Paula Kay – We need some kind of competent financial evidence. That is what the terminology for a use variance is. You got to give them something. Chairman McClernon - You should have been presented with these when you were turn down so you were prepared. Mr. Kavleski – I thought this was going to be more of questions not that I had to present you with information.

Richard Benson – For a use variance you need to show that variance to make a living.

James Carnell – Maybe the board can think about how the building was made. It was good for the current owner but not for this new owner. So either major alterations need to be done or a complete alterations of the building. Chairman McClernon – The only sticking point I have is the financial part.

With the town being there no one is going to buy that building for a day care. Jay Mendels – I think that's what Jim is say. It would be cost prohibited. Chairman McClernon – No one is going to buy it for residential unless the town buys it to expand their property. Pamela Zaitchick – The area is conducive to have a business like that there. Jay Mendels – What do we need for financial evidence? Paula Kay – Whatever you determined. It would be good to show for the record why none of the other allowed uses make sense for this particular property. A lot of times people will submit an appraisal or something that will give you some backup. If it's an existing business and the existing owner needs to change it from baseball school to a warehouse maybe they will show tax returns that they are losing money. Pamela Zaitchick – Maybe he can show that he's been trying to sell it for a while? Mr. Kavleski – There was a listing but it wasn't listed for a long time. Chairman McClernon – Maybe something from the realtors? Paula Kay – Maybe from the property owner saying I tried to sell as is but couldn't. Mr. Kavleski – If that satisfies your needs I can talk to the owner and realtor.

There was no public comment.

The Board had no further questions.

2 – alleged hardship is unique and does not apply to substantial portion of district or neighborhood; All voted Yes.

Jay Mendels – It is unique because of the type of building it is. Chairman McClernon – It's the type of building plus the buildings around it. I think because of the location you won't be able to open up any other kind of business.

3- requested variance will not alter essential character of the neighborhood;

Chairman McClernon it's a commercial building now and with the towns stock pile of stone and then there is Wayne Theil and the gas company next to it.

4- alleged hardship has not been self-created.

Chairman McClernon – I don't think it would be cost prohibited to re-due the building since the property wasn't given to him.

Jay Mendels – In order to approve this use variance, do we have to approve them all?

Paula Kay – No.

Jay Mendels –Are you still looking to change the zoning for that area? Mr. Kavleski –Yes, looking to see if the zoning can be extended.

Jay Mendels – Are you looking to have an established entrance and exit for the frontage?

Mr. Kavleski – That is yet to be decided.

James Carnell – The original site plan show entrance off of Gandy Road. The county was trying to control truck traffic and not having an open curve cut. As long as your willing to make some kind of change to go in conjunction with the original site plan. It should be ok.

Chairman McClernon – My concern is with the tractor trailers coming in and out of Gandy Road.

James Carnell – I think they should be able to get into their property if they need to.

Jay Mendels -Are we ok with the location of the door being in the front? Chairman McClernon – I don't think he has much choice with the small area. Mr. Kavleski – I'm willing to make a change if I can.

Chairman McClernon- Does this have to go back to the planning board? Paula Kay – At most he might have to go to the planning board for determination of whether or not they will need to amend their site plan. It's really a lesser use then what's there now. Under 25050, where the building exists the site is in conformity with previously approved site plan and a change of occupancy occurring without external structural changes and if the new uses of the same type with intensity. The new occupant shall appear in front of the planning board to determine if a new site plan needs to be required prior to the issuance of a building permit.

Pamela Zaitchick – There is a change in the outside structure? Paula Kay – So the doors will have to go in front of the Planning Board. They will want to see where your putting the dumpster and they like to see landscaping.

AREA VARIANCE CRITERIA

(1) Cannot realize a reasonable return – substantial as shown by competent financial evidence; All voted pending

Chairman McClernon – Pending the applicant submitting a letter from the Realtor.

(2) Alleged hardship is unique and does not apply to substantial portion of district or neighborhood; All voted yes

(3) Requested variance will not alter essential character of the neighborhood; All voted no

Jay Mendels - it should help. Pamela Zaitchick – Talking about some kind of paving. Mr. Kavleski – Yes, we will have to. Chairman McClernon – And also the building was commercial and the adjacent building is also commercial.

(4) Alleged hardship has not been self-created; All voted yes

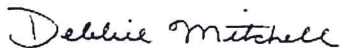
Jay Mendels – It was not self-created. Paula Kay – Yes, it is because he’s buying it to change the usage. Jay Mendels – OK.

Maxine Schulte, Real estate Agent – what would we do if the property was not on the market for a long time. Paula Kay – It’s not about how long, the board just needs something that shows that the existing business could not be used or sold or have some type of financial return with the current uses of our code.

A motion to approve the Use variances pending what was talked about was made by Pamela Zaitchick and seconded by Jay Mendels
4 in favor; 0 opposed

Motion to adjourn meeting 8:02 Pamela Zaitchick and seconded by Jay Mendels

Respectfully submitted,



Debbie Mitchell
Secretary
Town of Thompson Zoning Board of Appeals