

**APPROVED**

TOWN OF THOMPSON  
ZONING BOARD OF APPEALS  
Tuesday, September 12, 2017



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

Absent: Pamela Zaitchick and Jose DeJesus

Chairman McClernon called the meeting to order at 7:01 p.m. with the Pledge to the Flag.

A motion to approve the August 8,, 2017 minutes was made by Richard Benson and seconded by Robert Hoose  
4 in favor, 0 opposed

**Appeal by: Norman Gold**

Property is located in the SR with Central Water & Sewer Zone at 16 Timber Point Road, Rock Hill, NY  
S/B/L: 52.A-1-37  
Norman Gold, owner

Applicant is requesting an area variance from §250-7 of the Town of Thompson Zoning code for the purpose of front yard setbacks from required 40' to proposed 6.3'; rear yard setback from required 40' to proposed 27.1'; one side yard setback from required 15' to proposed 13.9'.

Satisfactory proof of mailing was provided to the Board.

Mr. Gold – I bought a house in 2004 and we put a deck on the house in 2005/2006. Robert Hoose – Did you have a building permit? Mr. Gold – Yes. Why I'm here today is because I want to add an addition to the side of the building. The front proposed which is actually the lake side has an easement of 20 or 30 feet. Chairman Richard McClernon - They have an easement all around the lake? Mr. Gold – No. Chairman Richard McClernon points to the site map and asks about the stairs to the deck and if it has always been there. Mr. Gold – Those are not stairs that is a patio. The deck is up on top. When I redid the deck, the town reassess it as if no deck was there, but I bought it with a deck.

Jay Mendels – Can you please show me on the map the 6.3', and the 27.1'? Mr. Gold show Jay Mendels and the board where everything is on the map. Richard Benson – When you replaced the deck was it the same size? Mr. Gold – No, it increased in size by about three feet.

Jay Mendels – We didn't get any feedback from Emerald Green yet, are we waiting on their determination? Paula Kay – They haven't met yet.

Jay Mendels – Jim Carnell are there any outstanding permits or violations? Jim Carnell – No there are none.

**PUBIC COMMENT:**

No public comment.

**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; Jay Mendels, Chairman Richard McClernon and Richard Benson all voted yes. Based on what is written. Robert Hoose – 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

A motion to approve all of the setbacks subject to the approval of Emerald Green was made by Richard Benson and seconded Robert Hoose  
4 in favor; 0 opposed

Paula Kay – Once you get the approval from Emerald Green can you please get a copy of it to the Town?  
Mr. Gold – Yes.

**Appeal by: Royal Bungalow Colony**

Property is located in the SR Zone at 75 Dillion Road, Monticello, NY S/B/L: 18.-1-55.2

Joel Kohn

Glen Smith, P.E

Applicant is requesting an area variance from §250-7 and §250-21D(2) from the Town of Thompson Zoning Code for the purpose of: Floor area expansion of existing non-conforming summer bungalow from required 15% or 200 square feet to proposed in excess of 15% or 200 square feet for 11 duplex units and applicant is requesting an area variance from §250-21D(1) and §250-34D(6) for the purpose of bungalow separation from 25' to proposed 18'19".

Satisfactory proof of mailing was provided to the Board.

239 on file with a disapproval from the County.

Mr. Smith - Passed out a color version of the map. Back in 2015 we got a variance to increase the size of several bungalow building from existence, to proposed duplex from 15% to 200 square feet. And then in 2016 the board gave final approval on those increase sizes. The units that were on the original site plan were 30' x 60' duplexes. We are asking to increase the size of the duplex units from 30' x 60' to 36' x

60'. I have one question is the variance still in effect? Paula Kay – If they started to work then the variance is still in effect. Mr. Kohn - Three of the duplexes have already been built to the approved sizes. Jay Mendels – So this is still open and we are not starting from scratch? Paula Kay – Correct.

Jay Mendels – If the original variance is still open and based on our discussion here that it was excessive, I'm reluctant to increase the size. Chairman Richard McClernon- The county's 239 came back as a denial. Mr. Smith – We didn't get a 239 on the property the first time and I think that was because it was so far down on Dillon Road.

Mr. Kohn -The reason we went to this size was because they were all small units. The owner is trying to replace the units and it wasn't feasible to replace it with a unit of 400 to 500 square feet. 900 square feet is not big and these are all owned by one owner. They plan on doing lots of improvement. This is not a typical Bungalow Colony where they just demolish and replace units. We have meet all the other Zoning regulations. The only variance is to increase the square footage. When you look at the big picture it's not that substantial, it's going to be a nice development.

Mr. Smith - We are also asking for a second variance instead of a 25' separation it's an 18' separation between porches and I don't want to miss this variance.

Jay Mendels – Jim Carnell are there any other issues with lot coverage. Jim Carnell – No.

Mr. Smith – We are well below the 10% on the lot coverage. Robert Hoose – The Rabbi wants to make these other houses the new size now? Mr. Smith – Yes. Robert Hoose – But the separation is now 18'? Mr. Smith - No, they are correct, it was just the one units that was 18'. They built a porch which caused the smaller separation. Robert Hoose – But you were ok with the size last time! Mr. Kohn - There were three duplexes that were built a little bit bigger and they realized it would be better if they were all this size. Which will make it easier to rent out the units. Chairman Richard McClernon – According to the Zoning it is a big deal. Richard Benson – I do remember it was a stretch to go to the 900-last time.

Paula Kay - They are building right now. Chairman Richard McClernon – They have three duplexes already built.

Jay Mendels – I understanding what you're saying, that it will be an improvement to the area but it will also be an improvement if it stays the same.

**PUBIC COMMENT:**

No public comment.

**AREA VARIANCE CRITERIA:**

- (1) Whether benefit can be achieved by other means feasible to applicant; All voted yes.
- (2) Undesirable change in neighborhood character or to nearby properties; All voted no
- (3) Whether request is substantial; All voted yes
- (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 for separation from 25 feet to 18 feet was made by Jay Mendels and seconded by Robert Hoose

4 in favor; 0 opposed

A motion for a variance to expand the bungalows from 30' x 60' to 36' x 60' was denied by Richard Benson and seconded by Jay Mendels

4 in favor; 0 opposed

A motion for negative declaration under SEQRA for the 25 feet to 18 feet separation was made by Robert Hoose and seconded by Jay Mendels

4 in favor; 0 opposed

**Appeal by: Rental Center of Monticello**

Property is located at 150 Bridgeville Rd, Monticello, NY S/B/L: 31.-180-4

Jeffery Sternberg, owner

Applicants are requesting an Area Variance from §250-12 from the Town of Thompson Zoning Code for the purpose of: gross square footage of all signs exceeds the linear feet of road footage from required 231.02 Square Feet, proposed 247 Square Feet.

Satisfactory proof of mailing was provided to the Board.

239 is on file with a Local Determination from the County.

Mr. Sternberg – I already have signs from before the code went into effect and they were 289 square feet. I took three signs down and reduced it to 250 square feet. I want to take down a sign that is 72 square feet and replace it with a 27-square foot sign which would further reduce my signage by 42 square feet. I would still be 274 square feet of signage when I'm only allowed 231.02 square feet of signage. I'm reducing the signage and I'll be 16 square feet over instead of being 50 square feet over.

Chairman Richard McClernon – Your replacing one sign and keeping all the other one that are there now? Mr. Sternberg – Yes, I'm taking down one big sign and replacing it with a smaller sign. Chairman Richard McClernon – Are you in compliance with the current site plan? Mr. Sternberg – I'm not finished with my building permit yet. I'm waiting on the engineer to come and finalize some stuff and then I'm going to submit for a CO. Paula Kay – Do you know when the site plan was approved? Mr. Sternberg – About one year ago. But I renewed the building permit. Paula Kay – But your still not in compliance with the existing site plan! Mr. Sternberg – Correct. I'm going to be coming back for another variance that has nothing to do with the signs. Most of my neighbors are car dealers with several cars across there lots. But I'm not allowed to put more than 11 tractors across my lot. Paula Kay – He has a specific site plan that shows only certain number of tractors can be there and there are more tractors then stated on the site plan. So, he not in compliance with the site plan. Mr. Sternberg – I have 11 parking space but some of tractors are small enough to put two tractors in one space giving me about 15 tractors.

Jay Mendels – Are there other issues besides the tractors out front? Paula Kay – We have to check the site plan. Mr. Sternberg – I don't think I was a tractor dealer at that point. But this has nothing to do with the signs. Chairman Richard McClernon - It does because you're not in compliance with the site plan.

Robert Hoose – Why can't you just put up one electronic sign and remove all other signs?

Mr. Sternberg – I want to put up a 3' x 9' sign that cost me \$6,000 and I'm only going to be 16 feet over.

Robert Hoose – If you get a bigger one then you can put everything on it!

Jay Mendels – You did come to an agreement to what needs to be done? Paula Kay - Yes, he was here with his engineer and they agreed with Planning Board in order to get a permit.

Jay Mendels – Our concern is that an agreement was made and not all the stuff was done.

Chairman Richard McClernon – What is left to do? Mr. Sternberg – The engineer is coming to test the concrete cylinders to make sure it's sound. I have too many tractors so I can't get a CO.

Robert Hoose – If this hearing is left open and he gets everything done, can we then approve it?

Chairman Richard McClernon – Yes. Paula Kay – You will come back for both variances. You are going to have to go to the Planning Board and amend the site plan with your engineer. Mr. Stenberg – Why do I need an engineer? Paula Kay – Because the engineer did the original site plan.

Jim Carnell – Do you know what the variance will be for. Paula Kay -We will have to figure it out. Jim

Carnell - If it's a parking issue the Planning Board has to determine any kind of parking permits. Paula

Kay – The Planning Board will have to determine whether or not they want to amend the site plan.

Mr. Sternberg – I would then come back here for a parking variance? Paula Kay – No, the Planning Board has the right to waive a parking variance.

Paula Kay – What the Board has to do tonight is decide how you want to handle this. You have a signed permit application. Richard Benson – In the past we didn't approve if there was any violation.

Jim Carnell - You need to get all the site improvements done and conformed with the current site plan as well as get a CO. But until you do this we will leave this hearing open so you don't have to do notices again and then after you have conformed with the current site plan you can come back for final approval.

A motion to keep this hearing open until the site plan is in compliance with was approved by Jay Mendels and seconded by Richard Benson  
4 in favor; 0 opposed

A motion to close the meeting at 7:43 pm was made by Richard Benson and seconded by Jay Mendels  
4 In favor; 0 opposed

Respectfully submitted,

*Debbie Mitchell*

Debbie Mitchell  
Secretary  
Town of Thompson Zoning Board of Appeals