

TOWN OF THOMPSON  
ZONING BOARD OF APPEALS  
Tuesday, October 10, 2017

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

APPROVED

Absent: Richard Benson and Jose DeJesus

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

A motion to approve the September 12, 2017 minutes was made by Robert Hoose and seconded by Jay Mendels  
4 in favor; 0 opposed

**Appeal by: Hristo Stoilov**

Property is located at 38 Peter Way, Kiamesha Lake, NY: S/B/L: 9.C-33-1 in the SR with central sewer zone.

Hristo Stoilov, owner

Jay Mendels – I would like to disclose that I personally know Mr. Stoilov and would still like to sit on the board for this application.

Applicant is requesting area variances from §250-7 of the Town of Thompson Zoning Code for the following purposes: 1) maximum depth for existing rear wall required 15' proposed 20' 2) minimum setback off the open rear corner requires 2' proposed 0' 3) minimum setback off the open rear corner required 2' proposed 1' 4) minimum setback off the side lot line from an adjacent common wall required 5' proposed 2'. All setbacks are taken from the approved site plan amendment letter dated April 1, 1981.

Chairman Richard McClernon – The amendment letter is an agreement between the Town of Thompson and Patio Homes.

Satisfactory proof of mailing was provided to the Board.

Jim Carnell – Over the years there have been buildings, sheds and other things constructed which prompted some modification from the original site plan. And what Mr. Stoilov would like to do is go a little bit wider than what was approved by the modified site plan and the agreement with the perspective.

Mr. Stoilov – I want to have the porch roof in-line with the existing wall of the house. My proposal is based on what is being built around the community. The 0' proposal is for the front wall. I'm proposing 2 feet from the neighbor's house. There is a continues roof over the front porch with an 8 X 10 feet mudroom. The require 5 feet is for my door. In the back I have a 20 x 20 patio that I want to cover. Jay Mendels – Is the patio already there in the front and in the back? Mr. Stoilov – Yes. Pamela Zaitchick- Will you screen it in? Mr. Stoilov – Not in the front but maybe in the back. Mr. Stoilov show the board picture of the patio. Chairman Richard McClernon – The patio is already two feet? Mr. Stoilov – Yes, I'm going to try and keep the roof two feet too. Chairman Richard McClernon – In the back it says the patio is 20 X 22 feet on the drawing. Mr. Stoilov – it's 20 x 20 feet. Jay Mendels – The patio is two feet and you want to cover it? Mr. Stoilov – Correct. As you can see there is no neighbor's house. In my option it will not affect anything. Since the wall connect to another unit, then it needs to be 5 feet in the back as well. Jim Carnell - But there is no building there, it's just the property line.

Pamela Zaitchick – How many other building are not meeting the recommendation. Jim Carnell – I can't answer. Several of them have also received permits.

Mr. Stoilov – The roof overhang is going to take up the two feet that are in question. Robert Hoose – The home owner's association has approved this? Mr. Stoilov – Correct.

Pamela Zaitchick – In previous times the lake community have sent us notices to say its approved or not approved. When the lake community approves it we normally go along with them. From what I'm understanding there is an agreement between Town and Patio Homes that is interfering in that flow. What I'm suggesting is that the Town do an updated agreement with Patio Homes, since it hasn't been updated since 1981.

Jay Mendels– The patio is marked 22 feet and you're asking for 20 feet and the requirement are 15 feet. How deep from the back of the house is the patio? Mr. Stoilov – Twenty-two feet. Jay Mendels - Your looking to do a roof in the back? Mr. Stoilov –Yes, the dimension is 22 x 20 feet. Does the dimension that I'm giving you include the roof overhang? Chairman Richard McClernon - The roof is going to be 20 x 20 feet. Jim Carnell – Eve's and over hangs under 2 feet are excluded.

Chairman Richard McClernon- Minimum setback off the open rear corner requires 2 feet and he's proposing 1 feet. It's defiantly 2 feet on the back? Mr. Stoilov – Yes. Jay Mendels – Then there are no issues.

Chairman Richard McClernon- We are all agreed on 1, 2 and 3.

#### PUBIC COMMENT:

Mary Steel – I was just wondering what he was building. Chairman Richard McClernon – Mr. Stoilov is putting in a mudroom on the front, he's going to put a roof from the mudroom to the corner of the building and then put a roof over the patio in the back.

PUBLIC COMMENT CLOSE:

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

Motion to approve all the requested variance was made by Robert Hoose and seconded by Jay Mendels  
4 in Favor; 0 opposed

Pamela Zaitchick put on record to request the Town of Thompson to update the 1981 homeowner's  
agreement with Patio Homes.

**Appeal by: Thompson Lakes Apartment Project**

Property is located on Rock Ridge Drive, Monticello, NY S/B/L: 13.-3-10.1 in the SR with central sewer  
zone.

Glenn Smith, P.E.

Barbara Garigliano, Garigliano Law Office

Doug Partrick, Developer and Owner of the property

Jay Mendels recused himself from participating in this application.

Applicants are requesting area variances from §250-7 and §250-28 of the Town of Thompson Zoning  
Code for the following purpose: 1) density per acre from required 1.9 to proposed 8 and 2) building  
length from required 160' to proposed 260'.

Ms. Garigliano – This was approved in 2005 for 416 units based upon 8 units per acre. The property is  
owned by Conrad LLC. Heatherwood Community is the developer and the project is called Thompson  
Lakes. We have come back to re-develop the property. The wetlands have shrunk which is allowing us  
to do 473 units which is 8 units per acre. The reason we are here is because the Planning Board had  
denied us. This project is across the street from the Adelaar project. As you know Concord Fairways  
received a very similar variance and they are right there as well. There is municipal sewer and it's in the  
Kamisha sewer and water district. Adelaar will be getting its water from the village. Allowing us to have  
plenty of water and sewer. From our latest count the Casino will have 1,500 new employees and the  
water park, the other hotel and the entertainment village will have an additional 2,200 employees.  
Between the Catskill Regional Urgent Care and YoOne (use to be Veria Lifestyles), there will be a lot of  
employees.



Mr. Smith shows the public and board the plans. Now that there are less wetlands we can have more units.

Paula Kay – There were 13 letters received from the public yesterday. Paula Kay read the name of all the people who submitted letters. The board got some but not all of them to review. And we want to make sure the board has time to read these letters. Chairman Richard McClernon – We would also like to hold the written comments open until next Tuesday so we don't miss any comment. We also do not have a full board tonight.

Ms. Garigliano - When is the next meeting? Paula Kay – November 14th. Ms. Garigliano – Do we need to do additional question that night? Paula Kay – Yes, I'm sure the board will have more questions. Chairman Richard McClernon – We will only allow public comments, since the written comments will be ended next Tuesday.

Chairman Richard McClernon – Have the slopes been deducted? Mr. Smith – Yes, they are about less than a ½ acre of steep slopes. The majority of the deduction is the wetland and the Town sewer.

Robert Hoose – How did the wet lands shrink? Mr. Smith - The Town Sewer and Water Supervisor mentioned that the dam on the pond washed out about 2 years ago allowing the pond to dry up. Robert Hoose – I'm worried that if the dam is put back will the level raise again? Mr. Smith - I will check and let you know if the levels could rise again.

Paula Kay – I believe the Board wants to see a plan with no buildings in the wetlands. Ms. Garigliano – These wetlands were delineated in the spring. Mr. Smith - Wetland are determined by the vegetation not the wetness. Chairman Richard McClernon – Is this approved by the Federal Government? Mr. Smith - No, waiting for a new jurisdiction letter from the Federal Government and the Army Core of Engineers. Chairman Richard McClernon – The land was bought in 2000 and the regulation were as they are now. They were set back in 2012 to the 2005 regulation and there was no comment from the public at that time. I find that the 473 is over the allowed limit. When you come back can you show us a lesser amount that you can live with and we can look at? I feel I need to compare another site to this site in regards to density. Are these 2 stories houses? Mr. Smith - Yes, they are apartments.

Mr. Partrick – A lot of time has passed since the beginning. The market has changed and I try to respond to the market. We always assumed we would build 1 or 2-bedroom apartment based on the schools and the community. We will consider predominantly 2-bedroom apartments. We are a family company and we have been around 60 years. We develop in Long Island to NY City, low rise and high rise. We have never sold an apartment building in the last 60 years. We pride ourselves on service and when we come into an area we always stay. We also have a home in the area. Now that the casino is coming we will need new houses. We picked this site because it is walkable to other business in the area.

Robert Hoose – These will all be rentals and not for sale? Mr. Partrick – Correct.

Robert Hoose – You will manage the site 24 hours a day? Mr. Partrick – Correct. Paula Kay – How many employees will you have? Mr. Partrick – Fifteen to Twenty working on and off site. Plus, we will want to put in amenities.

Robert Hoose – Will there be one building with just one-bedroom apartments and one building with two-bedroom apartments? Mr. Partrick – No, we will mix and match. Robert Hoose – Will there be a price range? Mr. Partrick – No. But if I find the demand is for a certain type of apartment we will build that type.

Pamela Zaitchick – I think it's a little premature to come here without having a plan. The plan is not ready. Ms. Garigliano – We did have to do this because we can't do a plan without knowing the density. Plus, the Planning Board said we had to come here. Pamela Zaitchick – How much housing do we want in certain areas? I feel that we are a rural area and we don't really want to open up ourselves to such large developments. We want you to build by our laws.

Chairman Richard McClernon – We want you to open up a place but we would like less than 8 units per acre. Ms. Garigliano – Can we change the variance since we already applied for this one? Chairman Richard McClernon – Yes, as long as its less.

Mr. Partrick – After Pamela Zaitchick comment, my one point is that this location is the best place for these apartments.

Chairman Richard McClernon – We don't want to set a precedent. Ms. Garigliano – But you have, because you already approved a project just like this one. Robert Hoose – I think this will be a good project once it all gets finalized. Paula Kay – We will get you any info on other projects that were granted preliminary approval in this zoning district that could come back.

Satisfactory proof of mailing was provided to the Board.

#### PUBIC COMMENT:

Roger Betters, Hurleyville, NY - I don't have any issues with the development. I am more concerned about another development over by Hurleyville. That will be directly affected by this precedent. What I heard tonight was that from 2005 to now the economy was bad and we couldn't build here but he was still building in Long Island. Once you grant this variance then all these other people who wanted to build since 2005 will start showing up. I heard today in the work session that the board does not have a problem with the density or the size of the buildings. And based on all the people here we do have a problem. If you want Rockland County standards then build in Rockland County.

Kris Douglass, Rock Hill, NY – I have the minutes from the Board when they approve Fairways and basically it states that it will not set a precedent. And all I'm hearing here tonight is it does set a precedent?



Beverly Page, resident of Monticello, NY – I decided to downside and I sold my house in Woodridge and it was a challenge to find an apartment here. I want this development but just not in this size. It doesn't have to be a mini city.

Kathy McKenna – What would the rental range be? Mr. Partrick – I don't know. Ms. McKenna – Under a \$1,000 would be nice. You left out luxury rentals too. Mr. Partrick – Most of the things I do are in NY City. For the money you have to pay and the money you have to spent tends to be on the luxury end. We can't over build the area, we have to respond to what the market is. I want to build the best I can and rent at a price that would keep me full. Ms. McKenna – If you have apartments under \$1,000 they would sell. Mr. Partrick - If I have to cut the amount I can build in half then my price will most likely go up.

Robert Hoose – How many acres is the project. Ms. Garigliano – 59.2 usable acres. Robert Hoose – And how many units all together. Paula Kay – It was 416 and now it's 473. Robert Hoose – What if we went back to 416? Mr. Smith - Then that would be 7 units per acre. Robert Hoose – Can you work with that? Mr. Partrick – I can, but I don't want to find that every time I come back to the Board my number of units keeps going down.

Bonnie Makofsky, Hurleyville, NY – I can see the proposed Gan-Eden project from my house. This was also a project that wanted to build over 800 units. They didn't come back and build after the zoning changed in 2012. They had to reduce the size of their project to 500 units. I can't believe they will not come here and say you allowed this project to go through. I didn't want to build 500 units I wanted to build 800. Maybe this project is in a commercial area. But this Hurleyville project will hurt not only people in Hurleyville but Thompson too. I think all the developers who were turned back in 2012 will be back now.

Laura Schneider, Town of Thompson – I'm extremely concerned about the precedent and the high-density housing. I don't want to live in Suburbia. This is a rural area. I think this will have repercussions. That you can't do for one and not do for others. You need to stick to the zoning laws.

Chairman Richard McClernon – I'm hoping to meet with Paula Kay and figure out the wording for this projects density so that we don't set a precedent. Ms. Schneider – Please proceed with caution.

Martha Johnson – I think you have a heavy responsible. I really feel that I chose to live here and have my home here because I love to live here. I choose to live here because it's a rural area and I can go on a country road. People live by different rules and regulation. We have to be very careful with what you decide.

Ms. Garigliano – We all live here and this property is never going to be defined as a rural area. It's a cross from Adelaar and the water park.

PUBLIC COMMENT CLOSED

Motion to hold the meeting open to next month was made by Pamela Zaitchick and seconded by Robert Hoose

3 in favor; 0 opposed

**Appeal by: Makovic Homes Sales**

Property is located on Old Route 17-Cimarron Road, Monticello, NY S/B/L: 31.-1-67 in the HC-2 zone.

John Makovic, owner

Glenn Smith, Engineer

Applicant is requesting area variance from §250-11 of the Town of Thompson Zoning Code for the following purpose: 1) permitting a decrease in the minimum lot area from the required 3 acres to proposed 1.97 acres and 2) permitting a decrease in the minimum lot width from the required 150' to proposed 145'.

Mr. Smith - This is the same plan from a year ago. You approved two variances last time. 1) Was for the lot size. It was more than 2 acres at one time and the state took away some of the property making it smaller. 2) A decrease in the minimum lot width from the required 150' to the proposed 145' so we are 5 feet short. We went to the Planning Board and got a final approval with conditions. Those conditions were that we had to do a full-blown storm water pollution plan which we did. And all we needed were test pits dug on the property. We didn't get to it this summer. I was under the impression that once we got the final approval we didn't have to go for a second extension. The test pits were dug last week, we just need the town engineer to sign off on them. We are just asking that these two variances be renewed. The Town Planning Board also wanted to see details on a sign that will go in front.

Paula Kay – In September 2016, there was no public comment and there was a motion to approve made by Pamela Zaitchick and seconded by Richard Benson. Everything was approved.

Jay Mendels – I just want to clarify that these are modular homes and one office building with no sewer or water to the modular homes just power? Mr. Smith – Correct.

Chairman Richard McClernon – Nothing has changed? Mr. Smith -Nothing has changed.

Satisfactory proof of mailing was provided to the Board.

**PUBLIC COMMENT:**

Ms. Furtier - I'm very concerned about the number of building that they want to put on this small lot. I think it's going to be too many building for that small lot. This is a very beautiful lot. It seems to me that too many building will not look good. Pamela Zaitchick – These are just models correct? Mr. Makovic - Yes. Pamela Zaitchick- Will you be leaving the trees? Mr. Makovic – Yes, we will be leaving most of the trees. Mr. Smith - The plans show where the trees will be. Chairman Richard McClernon- Plus there will be landscaping around the modular homes as well.

Mr. Makovic – The way this works is people will come in and look at the modular homes and then tell us what they want us to build. It is possible some might get moved years later off the lot. They will not be setup for them to be sold as is. Ms. Furtier. – I don't think the modular homes on 17B are setup nice. I don't want Cimarron Road to look bad. Mr. Makovic – I think the 17B location is very nice. Ms. Furtier - I live there and I'm concerned about looks and traffic and safety.

Chairman Richard McClernon – Mike Taylor from Orchard Farms sent in a letter saying he approves the project. Mr. Makovic – For the record I don't buy my propane from him.

Chairman Richard McClernon – The dump trailers that are on 17B will not be on this project? Mr. Makovic – Correct.

Paula Kay – The Planning Board has already approved and if he does not apply then it's an enforcement issue with the Planning Board.

AREA VARIANCE CRITERIA:

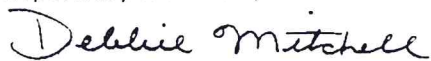
- (1) Whether benefit can be achieved by other means feasible to applicant; All voted no
- (2) Undesirable change in neighborhood character or to nearby properties; Jay Mendels, Pamela Zaitchick, Robert Hoose all voted no. Chairman Richard McClernon, voted yes and said this is a business surrounded by residential homes.
- (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

A motion for negative declaration motion under SEQRA was made by Jay Mendels and seconded by Pamela Zaitchick  
4 In favor; 0 opposed

Motion for approval of all the variance requests was made by Pamela Zaitchick and seconded by Jay Mendels  
4 In favor; 0 opposed

A motion to close the meeting at 8:37pm was made by Pamela Zaitchick and seconded by Robert Hoose  
5 In favor; 0 opposed

Respectfully submitted,



Debbie Mitchell  
Secretary  
Town of Thompson Zoning Board of Appeals