

TOWN OF THOMPSON
ZONING BOARD OF APPEALS
Tuesday, November 14, 2017

APPROVED



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

Jose DeJesus is absent.

Chairman McClernon called the meeting to order at 7:02 p.m. with the Pledge to the Flag.

A motion to approve the October 10, 2017 minutes was made by Jay Mendels and seconded by Pamela Zaitchick
5 in favor, 0 opposed

Appeal by: Schneur Minsky:

Property is located at 160 Starlight Drive, Monticello, NY: S/B/L: 57.-3.1.2 in the RR1 without central sewer zone.

Edmond Semonite, contractor

Applicant is requesting an area variances from §250-9 of the Town of Thompson Zoning Code for the following purpose: 1) one side yard setback from required 20' to proposed 0' 2) combined side yard setback from required 50' to proposed 42'.

Satisfactory proof of mailing was provided to the Board.

Chairman Richard McClernon- We have an owners proxy that is signed but not filled out. Edmond Semonite filled it out but did not put his name on it.

Chairman Richard McClernon – You need to fill out the owner’s proxy and submit it to the Building Dept.

Chairman Richard McClernon – Did the owner buy the property knowing that the deck was on the property line? Mr. Semonite - I don't know if he knew that it was that close. The deck is 1 inch off the property line. The corner of the house is actually 10 feet 9 inch off the property line. The deck it self is 10 feet 8 inch. I was told the permit was never closed out. We are here to leave things the way they are. The adjoin property is a wooden lot. Chairman Richard McClernon – The issue is that if someone buys the property next door there will be an issue.

Chairman Richard McClernon show a picture of the house and said that if they remove the six-foot section then he would be ok. Mr. Semonite – We did have this discussion and Mr. Minsky is up for removing the six-foot section. Jay Mendels – We will be ok with him removing it.

Richard Benson – Will we have to wait for the Building Department to inspect the property after they remove the six-foot section to see what the actual measurements area? Jim Carnell – Either way you will have less then what you are requesting. You can establish a minimum distance. Jay Mendels – How wide is the main section? Mr. Semonite – It should be around 5 - 5 ½ feet. Chairman Richard McClernon – We can make it a minimum of 5 feet to the property line. Richard Benson – You should be better than 5 feet when you're done.

PUBLIC COMMENT:

No public comment

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 yes
- (4) Whether request will have adverse physical or environmental effects; All voted no
- (5) Whether alleged difficulty is self-created; All voted no

A motion to approve the revised variance and that the deck be a minimum of 5 feet from the property line and the proxy to be filled out was made by Robert Hoose and seconded by Pamela Zaitchick
5 in favor; 0 opposed

Appeal by: David & Haya Tepper:

Property is located at 415 Sackett Lake Road, Monticello, NY S/B/L: 44.-2-4 in the HC-1 zone with central water/sewer.

Maria Zeno, esq

Applicants are requesting an area variances from §250-10 of the Town of Thompson Zoning Code for the following purposes: 1) one side yard setback from required 15' to proposed 8.8'. 2) one side yard setback from required 15' to proposed 5' and 3) both side yards combined from required 40' to proposed 13.8'.

Satisfactory proof of mailing was provided to the Board.

Ms. Zeno – I'm looking to get the re-approved that the ZBA had approved in June 2015. Variance 2 was changed from required 15' to proposed 4.7 feet to what is being proposed now and that is required 15' to proposed 5'.

Chairman Richard McClernon – I see that the house is now complete. Ms. Zeno – Yes.

Jay Mendels – Was the house repositioned? Ms. Zeno – No, we had a request to move the deck from one side of the house to the other side by their neighbor Ms. Mulvey. My client talked to the neighbor and they agreed to flip the deck to the other side of the house. And this was all previously done. Jay Mendels – The pictures show a small deck. Ms. Zeno shows the board the plans of the existing deck and the new deck which will join the two decks. Jay Mendels – Will the deck be deeper or flush? Maria – Flush.

PUBLIC COMMENT:

No public comment

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

A motion to approve the variance was made by Richard Benson and seconded by Jay Mendels
5 in favor; 0 opposed

Appeal by: H.D.T Sullivan Corp (formerly Hometown Distributors):

Property is located at 15 Rock Hill Drive, Rock Hill, NY: S/B/L: 32.-2-38.2 in the HC-2 zone.
Glenn Smith, P.E.
Andrew Wohl, owner

Pamela Zaitchick recused herself from participating in this application.

Applicant is requesting an area variances from §250-11 and §250-6(E) of the Town of Thompson Zoning Code for the following purposes: in the even the existing 1.275-acre parcel is subdivided into two (2) separate parcels.

Existing Use

1 Family Residence

Shop/Warehouse

	<u>Required</u>	<u>Proposed</u>	<u>Required</u>	<u>Propose</u>
Minimum Lot Area	40,000 sq. ft.	28,000 sq. ft.	40,000 sq. ft.	31,700 sq. ft.
Minimum Lot Width	150'	90'	150'	115'
1 Side Yard	20'	20'	35'	10'
Both Side Yard	50'	32'	70'	80'

Satisfactory proof of mailing was provided to the Board.

Mr. Smith - Mr. Wohl property has a business and a rental house on the same property. The tractor trailers come in at night unload then reload in the morning and leave. The Town Board requested that the trailers and vehicles on the property be cleaned up. Most of them have been cleaned up. Because there are two primary uses both uses have to meet the zoning bulk table requirement. We have no intent to subdivide.

Chairman Richard McClernon – We are under the understanding there are open violations from the Building Dept. Paula Kay – Operating a business without Planning Board approval and some of the box truck/trailers still need to be cleaned up.

Mr. Smith - All of his trucks are now off the road during delivery per the Planning Board's request. There is plans to expand the parking lots.

PUBLIC COMMENT:

No public comments

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 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 negative declaration motion under SEQRA was made by Richard Benson and seconded by Robert Hoose
4 in favor; 0 opposed

A motion to allow the variances with the stimulation of the outstanding violations be taken care of within 6 months was made by Richard Benson and seconded by Robert Hoose

4 in favor; 0 opposed

Appeal by: Edwin & Gale Price:

Property is located at 158 Cantrell Road, Monticello, NY S/B/L: 49.-1-16.1 in the RR2 zone.
Edwin Price, owner

Applicants are requesting an area variances from §250-24(C) of the Town of Thompson Zoning Code for the following purpose: allowing a manufactured home to be placed on the property where a manufactured home currently does not exist.

A motion to take the agenda out of order since no one was here yet for Edwin & Gale Price was made by Richard Benson and seconded by Robert Hoose
5 in favor; 0 opposed

Satisfactory proof of mailing was provided to the Board. Mr. Price – Six out of Seven of the mailing came back.

Mr. Price – I'm looking to replace my home that is over 100 years old and is in really bad condition. With a double wide 3-bedroom home. I use to have a mobile home next to it but I sold it. The house is now beyond repair.

Chairman Richard McClernon – The town code prohibits trailers or manufactured homes on property. The Town is looking to change the code because the State says manufactured homes can't be classified as mobile homes anymore. Will you be putting this home on a slab? Mr. Price – Yes. Chairman Richard McClernon – How fast will it take to get this done? Mr. Price - As soon as I can.

Robert Hoose – You have to do a masonry skirting! Chairman Richard McClernon – This skirting has to be approved by the state.

Robert Hoose – After you get into the new place you have to get rid of the house in 6 months.
Mr. Price – We will be placing this new place where the existing place is. We will tear down the old house and then put in the new house.

PUBLIC COMMENT:
No public comment

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

Jim Carnell – Mr. Price you have 6 months for this approval and if you need more time you will have to come back for an extension.

A motion to approve the double wide home was made by Robert Hoose and seconded by Richard Benson

5 in favor; 0 opposed

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

Applicant is requesting an area variances from §250-7 and §250-28 of the Town of Thompson Zoning Code for the following purposes: 1) density per acre from required 1.9 to proposed 8 and 2) building length from required 160' to proposed 206'.

Ms. Garigliano – This is a continuation from last month. I have requested a change to the variance since last month. The change is to decrease the density area variance to be 416 units which is 7 units per acre. Also, to reduce the building length from 260 feet to 220 feet. We are also here for public comment and hopefully a determination from the Board.

Chairman Richard McClernon – The property along Rock Ridge Drive will mostly be behind the woods and the wetlands. You will only see the buildings is from the entrance. Ms. Garigliano – Because of the wetlands we will be relocating some of the property and reducing the amount of the roadways that needs to be built.

Robert Hoose – Do you know how many bedrooms you will have in each unit? Mr. Partrick - I don't have a breakdown yet. Typically, the two bedrooms will be in the 20% range, one bedrooms around the 50% range and then the studio. I can't really say because I need to do marketing studies. The actual size would be around 700 square feet for a one bedroom and 200 square feet for a two bedroom. I base my rooms by the needs and I really don't know what the need is going to be yet.

Pamela Zaitchick – In the last meeting you said that you would come down to 6 units because we are starting at 1.9 density and you are now requesting 8. You said that 6 would be the minimum. It's in last months minutes. Ms. Garigliano – We talked about revising to 7 units. Pamela Zaitchick – No, when Mr. Partrick was talking he said he would lower it to 6. Ms. Garigliano – My recollection was that we did not know what number would be financially feasible and we were to leave here and think about it.

Pamela Zaitchick - I would like to state that we look up the old minutes and that we go with the number of 6 units. People are very concerned about the density. Paula Kay – Pam, the applicant himself said he did not make that statement. He said, on the record from the last meeting no one from the applicant's side suggested a figure, that they would look at it to see what they could reduce it to, to make it financially feasible. Pamela Zaitchick – That was also a statement but they also used the number 6. Chairman Richard McClernon read through the minutes and did not see anything in regards to 6 units and he gave the copy to Pamela Zaitchick to look over as well. Robert Hoose – I had said to go back to the original number of units before the wetland. And you came back to the original numbers from 2005. And that's where we are right now. Ms. Garigliano – We also did better than that by making the building smaller.

Pamela Zaitchick – I suggest we listen to the digital recording. Paula Kay – It is your right to listen to any digital recording. Just contact Marilee Calhoun. Ms. Garigliano – I would like to state that I don't remember every giving a number and would never agree to any number. I remember leaving here saying we were going to check out the financial feasibility. Mr. Partrick – Ultimately the units per acre have dropped because of the wetlands. Robert Hoose – I was at the wrong spot when talking about the wetlands last time.

Ms. Garigliano – Glen was going to look at the wetland and the 20% slope. Mr. Smith - It is .65 acre. Ms. Garigliano – I looked at the Golden Ridge and their density allowed is about 9.88 and 9.64 allowed but the combination applied was 8.4 units to the acre. And our project is now at 7 units.

Pamela Zaitchick – I'm asking if it's a compromise to go from 1.9 to 7. Does that sound like a big compromise? Chairman Richard McClernon – They are going back to the preliminary approved numbers. Pamela Zaitchick – It was a preliminary approval. But preliminary doesn't mean it was approved. Chairman Richard McClernon – But it was a preliminary approved that met all the requirement back then. Pamela Zaitchick – Eight is not a number that was preliminary approved. They are asking for bigger building now. Paula Kay – No they are asking for smaller building. Pamela Zaitchick – They were asking for 160-foot-long buildings originally. Chairman Richard McClernon – No, it was 260-foot-long buildings. Ms. Garigliano – We made it smaller then what was preliminary approved in 2005. Paula Kay – It's a request variance from our zoning for the density, there request has changed since the last meeting and its now less. So, it meets what was preliminary approved in 2005 and the building are now shorter too. The density was the biggest issue. The board asked them to come back and they reduced the density.

Chairman Richard McClernon - I talked to the Town Supervisor and a trustee and they are for this project. They both feel with the Adelaar and the Concord projects that this project will fit perfectly in this location.

Jay Mendels – Is there any way the Town could put this on a fast track? Paula Kay – No, this project is adjacent to the PRD zoning district were the density is much more then what they are requesting. There can be a lot more houses next door. Jay Mendels - No other projects have come up that had already gotten preliminary approval before. Paula Kay – Also this project is in a sewer and water district. Ms. Garigliano – It will not have an environmental impact.

Chairman Richard McClernon – I got several e-mails in response to the project. Chairman Richard McClernon read the names off.

PUBLIC COMMENT:

Mr. Randy Resnick, Mountindale/Rock Hill – I am here to hear what is going on and I'm interested in this development. I understand the density is an issue and I believe that ship has sailed. Without housing we have nothing. People are being shipped in from Vegas for the Adelaar project and these people have said to me that there is no place to stay. They are looking to hire people and they need a place to live. I'm here to ask the board to approve this project. We are not going to fill our stores unless people live here. Now that we have these great hotels we have no place for people to live. I think we have enough business we need housing like this.

Mr. Steve White, CO of the IDA. Full disclosure I work with Walter and Barbara Garigliano. What I have to say has nothing to do with them. The IDA has worked so hard to bring what is going to happen here. I'm asked every day where are all these people going to live. The IDA does not provide any housing benefits. The project is in the perfect place. It's in the middle of everything and it's very crucial.

Mr. Marc Baez, CEO of Sullivan County Partnership - I was going to touch on these same issues. I think we are finally turning this town around. Economic development community that are success bring people in and they ask how is the school district, how is your health care and where are we going to live. We have dealt with developments over the years and I have taken classes on what is good and what is not good. I've been doing this for 28 years. Pace university youth law center will tell you when you cluster housing developments you will have less of an impact on the general environment. It was reported in 2013 that Sullivan County as a whole can grow 35% more without having any impact on this county. The development has to be able to make money and the density has to be there in order for them to do it. I don't think visually you will see the difference between 6 and 7. That one number might make the difference for the applicant to be able to make the project work. We typically don't go out and support housing developments, however we will support the ones that we have been working towards.

Mr. Roger Betters, Old Liberty Road, Town of Thompson. I will admit this project is something we need. The group I represent is not proposed to development. But what we are here to make sure the Town Zoning Code is followed. We recognize the need for this housing. From the work session as you stated; that this will not set a precedence to justify their increase density. I do have a concern that rental development doesn't turn into a resort worker ghetto housing unit.

Pamela Zaitchick – The issue I have not heard is the traffic issue. Route 42 is crazy in the summer and it becomes impossible to get into the Village. In the other direction we know So. Fallsburg & Woodridge make it difficult to go the other way either. I haven't heard one thing about traffic and how you hope to get all these people who live there out of Route 42. Paula Kay – They were denied by the planning board and now they have to go back to the planning board and then they will do a traffic study. Ms. Garigliano – Keep in mind a project can't make money if it doesn't work and it's not feasible if people

can't come and go. That is something the traffic consult will work on. Pamela Zaitchick – You are talking to people who have been through a change where the traffic consultants were consulted and Monticello, the village of, wound up with Broadway the way it is. I'm no expert, but anybody can tell you that this was not an expert job. It ruined the village of Monticello by the way it was designed by the experts. I don't have faith in the experts. Looking at an area like this, that I know has a certain number of lanes and you can't make them any bigger because of the business on both sides. I am all for building up this area. But I don't want to live in an area like Middletown. Robert Hoose – I have been here 67 years and we had 10,000 to 15,000 people when the Concord was in business and that road works well. I think we should approve this project. Chairman Richard McClernon - Most of his property will not be seen from Rock Ridge Ave except for the corner of Concord Road. Hopefully the Planning board will keep more trees.

Mr. Partrick - I just have to keep in mind I have to deal with federal requirements. We will be backed up to the Home Depot and because of this people will be within walking distance to the shopping area.

Mr. Marc Baez – Our estimates show us that by the end of 2019 that 3,000 jobs will be located in Sullivan County. That's 10% of the existing job market in Sullivan County today. We don't want people working here and living in Orange County.

Richard Benson – I don't think by approving this project we will be setting a precedence.

Paula Kay – When you review a project you look at every fact about that project. In this case you are looking at Thompson Lakes, where it's located, what kind of district does it have, what is next to it and what's proposed. This project is next to the Casino project and it's also next to an existing overlay district with higher density. You have to look at everything that is just for this project.

Pamela Zaitchick – We stand to look at this and know that this is the future. Ms. Garigliano – In this one location for this one project. Each project has to be reviewed. Richard Benson – To control sprawl you have to increase density.

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; Jay Mendels and Pamela Zaitchick voted yes. Chairman Richard McClernon – I thought the same thing but, in the neighborhood you have a higher density and will have the same thing with 8 units per acer next to them. Chairman Richard McClernon, Robert Hoose and Richard Benson voted no.
- (3) Whether request is substantial; Jay Mendels, Pamela Zaitchick and Chairman Richard McClernon voted yes, according today's standing. Rob Hoose and Richard Benson voted no.
- (4) Whether request will have adverse physical or environmental effects; All voted no except Pamela Zaitchick she voted Yes. I do believe adding that many people to the area will change the environment.

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

A motion for negative declaration motion under SEQRA was made by Robert Hoose and seconded by Richard Benson

5 in favor; 0 opposed

A motion to approve the requested new variance with 416 units and building to the max length of 220 feet was made by Robert Hoose and seconded by Richard Benson

4 in favor; 1 opposed (Pamela Zaitchick)

Chairman Richard McClernon – Pamela Zaitchick has something to add to the minutes before we adjourn the meeting.

Pamela Zaitchick – We discussed at the last meeting that the contract between the Town of Thompson and Patio Homes was out of date and since I bought it up I sent in a request to update the agreement to Supervisor Rieber's office and I haven't heard anything yet and would like to recommend that the Chairmen take it a step further. Chairman Richard McClernon – I will talk to Supervisor Rieber when I see him tomorrow.

A motion to close the meeting at 8:18 pm was made by Richard Benson and seconded by Robert Hoose

5 In favor; 0 opposed

Respectfully submitted,



Debbie Mitchell

Secretary

Town of Thompson Zoning Board of Appeals