

APPROVED

TOWN OF THOMPSON
ZONING BOARD OF APPEALS
Tuesday, May 8, 2018



IN ATTENDANCE: Chairman Richard McClernon Jay Mendels
Paula Elaine Kay, Attorney Danielle Jose-Decker, Alternate
Ryan Schock
James Carnell, Director of Building/Planning/Zoning
Debbie Mitchell, Secretary

Absent: Robert Hoose and Richard Benson

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

A motion to approve the April 10, 2018 minutes was made by Jay Mendels and seconded by Ryan Schock
3 in favor, 0 opposed

Danielle Jose-Decker did not vote since she was not at the April meeting.

Chairman Richard McClernon appoints Danielle Jose-Decker to replace Richard Benson.

A motion to take the agenda out of order was made by Chairman Richard McClernon and seconded by
Danielle Jose-Decker
4 in favor; 0 opposed

Appeal by: Empire State Muscle Cars

Property is located at Rock Hill Drive, Rock Hill, NY: S/B/L: 51.-2-13.1 in the HC-1 zone with central
water/sewer
Gregg Pitula, Owner

Paula Kay recused herself from participating in this application.

Applicant is requesting area variances from §250-8 of the Town of Thompson
Zoning Code for the following purpose: Front yard setback from 40' to proposed 29'-8".

Satisfactory proof of mailing was provided to the Board.

Mr. Pitula – This property has been in our family for 50 years. This building will be for auto sales only of
custom high-end cars and there will be no repairs done on site. I'm marketing for the people going to
the casino since it's on the highway. There will be nothing outside the building except for the cars. I
went to the Planning Board last month and they had suggestions to add a buffer, no parking alongside
Rock Hill Drive, so we will landscape that and will add a stonewall on the side of 17. I have implemented
them into the plans. Danielle Jose-Decker – How high of a stone wall? Mr. Pitula – Around 4 feet high.

I'm asking for a variance for a front yard setback. I'm keeping the front of the building in line with all the other building on the road. They sit about 60 feet off the roads edge. The building will be 40 feet off the property line. The only building that is not is Brew, that is 4 feet off the property line. Looking for a variance that's about 10 feet from the Highway side. Brew is 21 feet off the property line and all the other building are almost on the property line. Mr. Pitula showed the Zoning Board an aerial view of the property. I could build a thinner building but that would not be feasible. I need this variance so I can go to the Planning Board.

Jay Mendels – Our main concern is that the property remains landscaped and try and maintain the wooded look. Mr. Pitula – I plan on keeping the trees for buffers and plan on putting a billboard on the property to make money off of it. There is an approved use for the billboard from the DOT.

PUBLIC COMMENT:

Kristine Walsh – I have a list of questions. Chairman Richard McClernon – You can just read them. Ms. Walsh – They are just question that have come about from around town. We want to know what the quality of the business will bring to the community? With taking down all the trees and land clearing? Chairman Richard McClernon – Those questions are more for the Planning Board, and we are here to approve the setback. They will have a Public Hearing and you can ask those question at that time.

Paul Walsh – When the Dollard General was done they requested setbacks as well. Realistically there are a lot of things that don't match since our community is very old. We had asked the board to not approve the setbacks for the Dollar General and as you know it turned out very nice in the end. If you approve this setback, we asked that everything that is required is done. If you approve the setback, it's a 1/3 of what it should be it might bring up other issues. Not sure if he could put in a smaller building. Mr. Pitula – I have DOT approval for the setback, they asked for a drainage study. Do you have the comments from the DOT? Jim Carnell – That was submitted to the Planning Board. Mr. Pitula – This had a 239 review for the county and State. The State didn't have any issues with the setback.

Chairman Richard McClernon reads a request for a licensed survey be done and to make sure a drainage study is done and that it needs to be reviewed. That no work can be done in the States right away. Since the property is adjacent to a national highway system and a future interstate, the billboard maybe subject to department regulation regarding advertising signage. Mr. Pitula – I did submit to the DOT a partial drainage study. I submitted this report to the Building Department. Chairman Richard McClernon – What about the signage requirements. Mr. Pitula – I have a DOT approval for the location.

Paul Walsh – The town did a stop work order on the Brew when they were trying to clean it up. That's why it looks unfinished. Chairman Richard McClernon -Do you want to see the site map and what is being proposed. Mr. Pitula – The State put a stop work order to Brew because they were building a stonewall and parking on State property. Everything I propose is on my property not the States.

Paul Walsh – What about the grade to the road level? One of the problems Brew has is the driveway being too steep, how are you going to address this? Mr. Pitula – We are going to taper down the

property and do a ramp with a 4 feet incline. Danielle Jose-Decker – But this is a Planning Board issue?
Mr. Pitula – Yes. I just have to stop the cars from parking in front of the entrance at night.

PUBLIC COMMENT CLOSE:

A motion for negative declaration motion under SEQRA was made by Danielle Jose-Decker and seconded by Ryan Schock.
4 in favor; 0 opposed

AREA VARIANCE CRITERIA:

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

Danielle Jose-Decker – I don't think so they have gone over several styles of the building.

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

Chairman Richard McClernon – Most of the property falls within the line with the other properties on the road.

(3) Whether request is substantial; All voted No

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

Danielle Jose-Decker – With trees and walls being there I don't think so.

(5) Whether alleged difficulty is self-created; All voted No

Chairman Richard McClernon – It's a piece of property that is bounded by two roads and he's limited.

A motion for applicant's request for the setback was made by Jay Mendels and seconded by Danielle Jose-Decker
4 in favor; 0 opposed

Appeal by: Manuel & Phyllis Perry

Property is located at 102 Middletown Point Road, Rock Hill, NY: S/B/L: 38.-4-15.2 in the RR1 zone without central water/sewer
Tim Gottlieb, Engineer

Applicants are requesting area variances from §250-8 of the Town of Thompson Zoning Code for the following purpose: Front yard (lakeside) setback from required 50' to proposed 42.2'. 2) side yard setback required 20' to proposed 9.6. 3) combined side yard setback from required 50' to proposed 28.8'. 4) rear yard (roadside) setback required 50' to proposed 35'. 5) percentage of lot coverage from required 10% to proposed 23%

Satisfactory proof of mailing was provided to the Board.

Mr. Gottlieb – The Perry’s purchased this parcel with the house on it. They were going to repair the house but then decided to build new instead. Danielle Jose-Decker – The minimum rear set back that exists is 8.8 feet and will increase to 35 feet and both sides will increase and come closer to compliance. The minimum side yard is going to increase too and the minimum front yard will go down 1.8 feet. The minimum deck will be the same and the minimum width goes down 1.9 feet. So actually, this will bring the property closer to compliance. Jay Mendels – Except for the percentage of lot coverage. Chairman Richard McClernon – The Square foot of the new house is 15x30 for the first floor? Mr. Gottlieb – That for the first-floor elevation, not square footage. Chairman Richard McClernon – I would like to know what the square foot is going to be compared to the old house? Mr. Gottlieb – Close to 1,500. Danielle Jose-Decker – That doesn’t seem right. Mr. Gottlieb – This will include the garage. Chairman Richard McClernon – 23% of 10,00 square foot will be around 2,500 square foot. Jay Mendels – The two garages that are there now are coming down and nothing is replacing them? Mr. Gottlieb – Correct.

Chairman Richard McClernon – We got a letter from Wanaksink Lake Homeowners and they say that they meet all the requirements.

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 Yes

Jay Mendels – They could make it a smaller house.

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

Chairman Richard McClernon – It will improve the neighborhood.

(3) Whether request is substantial; All voted Yes

Jay Mendels – Yes, because of the lot coverage. Danielle Jose-Decker – Yes, because it will bring it closer to compliance with the other issues. Chairman Richard McClernon – No, it’s making it a bigger size if it was smaller then it would be less substantial. Ryan Schock – Yes, your taking down 3 structures and putting up one making it substantial.

(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 5 of the requested area variances was made by Danielle Jose-Decker and seconded by Ryan Schock
4 in favor; 0 opposed

Appeal by: Jacob Polick

Property is located at 1286 Harris Road, Monticello, NY: S/B/L: 1.-1-29 in the RR1 zone without central water/sewer

Jacob Polick, Owner

Applicant is requesting area variances from §250b of the Town of Thompson Zoning Code for the following purpose: Required metal roof and siding shall be prohibited except when used for agricultural purposes to proposed allowing metal siding to be used.

Satisfactory proof of mailing was provided to the Board.

Mr. Polick – I have a pole barn that I'm building and I already have the metal siding and was about to put it on when I was told I couldn't use. Through these proceedings I found out that the metal siding was not allowed and that I needed a variance. I've been to the Planning Board and they could not approve the metal siding so they sent me to you. Paula Kay – The Planning Board was in the midst of reviewing the oversize garage and they can do that but not for the siding. He needs an approval for the oversize garage and the siding. Mr. Polick – After I'm done here I have to go back to the Planning Board? Paula Kay – Yes

Danielle Jose-Decker – A pole barn is not enclosed and since this enclosed does it make it a garage? Mr. Polick – A pole barn is how it's built. The inside is all wooden structure with no metal.

Chairman Richard McClernon – I don't have an issue with the metal roof but I have an issue with the metal siding. Mr. Polick – This building's next to me have several trailers with a metal siding. Chairman Richard McClernon – Those are in Liberty's district. Mr. Polick – Yes, but they are in plan view.

Ryan Schock – Do you have a building permit? Mr. Polick – No.

Mr. Polick shows the board picture of the tree's he plans on using for screening between his building and Route 17 and the bungalow colony.

Jay Mendels – You already plan on screening? Mr. Polick – Yes.

Jay Mendels - Can you please tell me what kind of metal siding is this? Mr. Polick – The siding does not need to be re-painted and is guaranteed for 75 years. Danielle Jose-Decker – Can you give us documentation saying on that it will last 75 years? I'm concerned that after 8 years the siding will look rusty and bad. Mr. Polick – I can get this information to you.

Ryan Schock- What is the building being used for? Mr. Polick – Just storage. The building I'm using now was sold and the new owners want there building.

Chairman Richard McClernon – Does this need to have a slab or foundation? Jim Carnell – Typically the polls are just buried into the soil so, no.

Jay Mendels – One of our concerns was that you didn't get a building permit. The other issue that the siding will not look like garbage after a few years. Mr. Polick – I have pictures of 3 buildings in the Town of Thompson near me that have metal siding. Jay Mendels – I would like to see a contingency about the buffers you talked about.

Danielle Jose-Decker – I'm not sure if I can approve this with out the documentation about the siding.

Jim Carnell – Did you submit this information with the building permit? Mr. Polick – I put in my full list of all the materials that I have and need for this project.

Jay Mendels – Are these mature trees? Mr. Polick – I can't get a full tree but these trees are the fastest growing trees in the world. In three years the trees will be fully grown.

Mr. Polick show the Board the picture of what it looks like from Route 17. Mr. Polick – All you can see from Route 17 is just the top of the building. Ryan Schock – From that angle. Chairman Richard McClernon – If you are coming from the west on Route 17 at a further distance you can see more of the building. Mr. Polick – But after I put in the trees you won't be able to see it. Danielle Jose-Decker – But both of your neighbors can see the building. Mr. Polick – That is why I'm putting up trees on both sides.

Chairman Richard McClernon – Why isn't the building following the property lines? Mr. Polick – When I started it the bungalow colony's driveway and where the trailer park mows his grass had me confused on where the property lines where. So, I started to build it to what I thought the property lines were.

Danielle Jose-Decker – Jim Carnell are you familiar with this material? Jim Carnell – Depending on the thickness and the gage they start at 35 years to 40 years. But most of these are a minimum of 20 years. Danielle Jose-Decker – I would like to have a condition if we approve this to say at least 25 years warranty.

PUBLIC COMMENT:

No public comment

PUBLIC COMMENT CLOSE:

AREA VARIANCE CRITERIA:

(1) Whether benefit can be achieved by other means feasible to applicant;

Jay Mendels – No, since everything was already purchased and started. Chairman Richard McClernon – Yes, if he did it correct with a permit he would have known that the metal siding is not allowed. Danielle Jose-Decker, Chairman Richard McClernon, Ryan Schock All voted Yes

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

(3) Whether request is substantial; Jay Mendels No, I don't think so, if the proper channels were followed. Danielle Jose-Decker – No, If the warranty information is there then I don't think so either. Chairman Richard McClernon – Yes, because it's changing the type of siding that is prohibited under the code. Ryan Schock - No

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

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

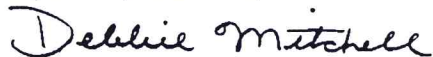
A motion to approve this application with a condition that there is a warranty received by the Building Department saying the material will last for a minimum of 20 years and that the applicant will do screening with trees as stated and the fee was paid was made by Jay Mendels and seconded by Danielle Jose-Decker

4 in favor; 0 opposed

A motion to close the meeting at 7:52 pm was made by Jay Mendels and seconded by Ryan Schock

4 In favor; 0 opposed

Respectfully submitted,



Debbie Mitchell

Secretary

Town of Thompson Zoning Board of Appeals