

**APPROVED**

TOWN OF THOMPSON  
ZONING BOARD OF APPEALS  
Tuesday, June 12, 2018



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

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

A motion to approve the May 8, 2018 minutes was made by Richard Benson and seconded by Jay Mendels  
5 in favor, 0 opposed

A motion to take the Agenda out of order was made by Jay Mendels and seconded by Ryan Schock  
5 in favor; 0 opposed

**Veria Wellness/YO1**

Property is located at Anawana Lake Road, Monticello, NY S/B/L: 9.-1-1.1 in the SR zone.  
Glenn Smith, P.E, engineer

Applicant is requesting area variances from §250-7 and §250-30 of the Town of Thompson Zoning Code for the following purpose: a double-sided sign required 2 square feet to proposed 80 square feet.

Satisfactory proof of mailing was provided to the Board.

Mr. Smith – I am here to proposed a sign to be placed at the entrance of YO1 on Anawana Lake Road. I was here last year for a variance for a much larger sign and was approved. This variance has now expired and our new sign is going to be smaller. This sign will be 8 feet 4-inch-high by 8 feet wide. It will be two sided with landscaping at the bottom with rocks and boulders.

Jay Mendels – The original approval was for a stone sign and was one sided? Mr. Smith - Yes, it was a cast concrete sign. Jay Mendels – It was going to have trees for the background, so I’m going to assume it will be at a different location? Mr. Smith - Same general location with landscaping and trees. Jay Mendels – This will be perpendicular to the road? Mr. Smith - Yes, the last sign was not as perpendicular but this will allow people to see it from both directions.

Chairman Richard McClernon – We got a 239 review from the county and they suggest local determination.

PUBLIC COMMENT:

No Public comment

PUBLIC COMMENT CLOSE:

AREA VARIANCE CRITERIA:

- (1) Whether benefit can be achieved by other means feasible to applicant; Robert Hoose voted no. Chairman Richard McClernon, Jay Mendels, Ryan Schock and Richard Benson all voted yes, they can make it smaller.
- (2) Undesirable change in neighborhood character or to nearby properties; All voted no
- (3) Whether request is substantial; Jay Mendels voted yes, compared to the code. Chairman Richard McClernon, Robert Hoose, Ryan Schock and Richard Benson 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 Richard Benson and seconded by Ryan Schock  
5 in favor; 0 opposed

A motion to approve the double-sided sign was made by Robert Hoose and seconded by Richard Benson  
5 in favor; 0 opposed

**Alper Ademoglu & Salih Gazioglu**

Property is located at Mongaup Road, Monticello, NY S/B/L: 56.-1-4.17 in the RR-2 zone.

Alper Ademoglu, owner

Salih Gazioglu, owner

Applicants are requesting area variances from §250-9 of the Town of Thompson Zoning Code for the following purpose: 1) front yard setback required 50 feet to proposed 34.69 feet and 2) rear yard setback required 50 feet to proposed 48.58 feet.

Satisfactory proof of mailing was provided to the Board

Mr. Gazioglu – Do to the topography of the lot we are having issues placing our house on the land. We did perc test for the septic systems and our engineer said we need to get variance for our house.

Paula Kay- What is the square footage of the proposed house? Mr. Ademoglu – 1,090 square foot.  
Paula Kay – How many acres do you have? – Mr. Gazioglu – We have 1.52 acres. Jay Mendels – Was there any kind of building already there? Mr. Gazioglu – No.

Chairman Richard McClernon – What kind of house? Mr. Gazioglu – Single family. Chairman Richard McClernon – What kind of siding? Mr. Gazioglu – Metal siding.

Robert Hoose – Do you have any other pictures? Mr. Ademoglu – No, but I can get you some.

Richard Benson – Will there be any overhangs? Mr. Ademoglu – Just what you see on the picture.

Jay Mendels - Any kind of landscaping plans? Mr. Ademoglu – Nothing right now, just some clearing since it's all wooded now. Jay Mendels – Will you have a wooden buffer between you and the road? Mr. Ademoglu – Yes, will try and leave as many trees as possible.

**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. Chairman Richard McClernon – The electric issue prohibits it from moving away from the road.
- (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 both the front yard and rear yard setbacks was made by Jay Mendels and seconded by Ryan Schock  
5 in favor; 0 opposed.

**Noel & Joanne Galea**

Property is located at 158 Harris Road, Monticello, NY S/B/L: 4.-1-66.2 in the RR-1 zone.  
Noel & Joanne Galea, owners

Applicants are requesting area variances from §250-8 and §250-16 of the Town of Thompson Zoning Code for the following purpose: 1) shed setback from property all property lines required 10 feet to proposed 9 feet 2) one side yard required 20 feet to proposed 13 feet 5 ¾ inches 3) front yard setback from required 50 feet to proposed 41 feet 2 ¼ inches.

Satisfactory proof of mailing was provided to the Board.



Mrs. Galea – We purchased the house that came with the deck and we looked to see if there was any violation with this house and nothing came up. There was a room on the front and we were told to do a survey. After the survey was done we were told that the deck on the front, deck on the back and the deck on the side were in a non-building zone. We took the deck down on the side and then came in for a variance.

Chairman Richard McClernon – Its written here that the shed is dilapidated! Mrs. Galea – We are taking it down. Chairman Richard McClernon – Then you don't need a variance for it. Jim Carnell say's you have a permit to take the shed down? Mrs. Galea – Yes, we are going to taking it down. Jay Mendels – Then you don't need a variance for the shed. Mrs. Galea – We also removed the side deck.

Mrs. Galea shows the board a picture of the house with the front room.

Jay Mendels – You don't plan on re-building the room? Mrs. Galea – No, it is already down.

Jay Mendels - The existing desks that are there now are in what kind of shape? Mrs. Galea – They are good.

Chairman Richard McClernon – On the permit it says 41 feet 2 ¼ inches. Where on the map is that located? Mrs. Galea – The request is to keep the front porch. Jim Carnell – I think because they removed the side deck and originally the side deck would have been 41 feet from the road but they removed it. When they made the application that number was to the edge of the deck that was removed. So those numbers are actually the 49 feet on the map. Since they are requested more then they need they are ok.

#### PUBLIC COMMENT:

Gerard Mastronicola – They are wonderful people and this is an improvement on the road.

#### PUBLIC COMMENT CLOSE:

#### AREA VARIANCE CRITERIA:

(1) Whether benefit can be achieved by other means feasible to applicant; All voted no Chairman Richard McClernon – They bought the property with the house already there. Not much to do unless they tear it down.

(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 no

A motion for one-yard setback of 13 feet 5 ¾ inch and front yard setback of 41 feet 2 ¼ inch with a condition that the shed is to come down was made by Jay Mendels and seconded by Ryan Schock 5 in favor; 0 opposed

Mrs. Galea – The front deck and back deck can stay? Chairman Richard McClernon - Yes and the shed must go.

**Appeal by: Son T Construction, Inc.**

Property is located at 19 Old Drive-In Road, Rock Hill, NY S/B/L: 32.-1-15 in the HC 1 Zone.  
Glenn Smith, P.E., engineer

Paula Kay recused herself from participating in this application.

Applicant is requesting area variances from §250-10 and §250-6(E) of the Town of Thompson Zoning Code for the following purpose; two uses on one parcel lot area required 80,000 square feet (40,000 square feet per use) to proposed 76,741 square feet.

Satisfactory proof of mailing was provided to the Board

Mr. Smith – This is a 1.7-acre lot in Rock Hill with a 24-foot-wide right away off of the Glen Wild Road. There was a house on the property when Mr. Sonnenschein purchased the property with a separate drive. Mr. Sonnenschein wants to build a 30 x 50-foot storage warehouse with no water or sewer. We are here for a two-lot usage, one is residential and the other is commercial. We need to show it on the site plan in case its ever subdivided. Mr. Sonnenschein has no intention of selling the house. For a residential zone we need 40,000 square feet and for the warehouse we need 40,000 but we don't have the full 80,000 we only have 73,381 square feet. The storage warehouse lot will be 33,381 square feet and the residential lot will be 40,000 square feet.

Chairman Richard McClernon- The public notice went out showing 76,741! Mr. Smith – I'm not sure where that number came from. I have here on my table 73,381 square feet. Jim Carnell – The variance is for two uses regardless of the lot area. You can see what the public has to say. Chairman Richard McClernon - I'm concerned that the public notice went out wrong. Richard Benson – It's not for the square footage it for the two uses. Jim Carnell – They are not creating a lot line for the square footage.

Jay Mendels – What will be stored in the building? Mr. Smith - Lumber and building supplies. He might have a skid steer there from time to time in the winter. I'm showing a possible overhang for the future. Jay Mendels – No work shop or any work being done in there? Mr. Smith – I can't answer that. There is no water or sewer. The application is for a storage warehouse.

Chairman Richard McClernon – We got a 239 and they suggest local determination. Mr. Smith – There is an existing driveway so no DPW permits are required.

Jay Mendels – Is this a wooded area? Mr. Smith - It's mostly a wooded area. Jay Mendels – Is there some kind of screening between the warehouse and the house? Mr. Smith - Yes. Chairman Richard McClernon – How about between the warehouse and I86? Mr. Smith - Lots of screening there to.

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

A motion to approve the variance request for two uses was made by Ryan Schock and seconded by Robert Hoose  
5 in favor; 0 opposed

**Brittany Fonseca**

Property is located at 92 Beaver Lake Road, Rock Hill, NY S/B/L: 34.-6-3 in the RR-2 zone.  
Brittany Fonseca, owner  
Rich Blackburn

Paula Kay recused herself from participating in this application.

Applicant is requesting area variances from §250-9 of the Town of Thompson Zoning Code for the following purpose: Front Yard setback required 50 feet to proposed 26.51 feet.

Satisfactory proof of mailing was provided to the Board

Ms. Fonseca – We purchased the house and we have been updating it. We wanted to add a deck to make it look better and give it more value.



Jay Mendels – Was there any existing decks? Brittany – No

Richard Benson – The shed is on the property line? Rich Blackburn – The shed was there when we bought it and we will move it if needed. Richard Benson – Is that your shed? Ms. Fonseca – It was there when we bought the house.

PUBLIC COMMENT:

Andy Cannella, President of the Homeowners Association. – These two people preformed a miracle on this structure. I hope you give them the variances they are requesting.

PUBLIC COMMENT CLOSE:

Chairman Richard McClernon – Did you get a permit for the deck? Rich Blackburn – No I did not.


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 front yard setback was made by Ryan Schock and seconded by Richard Benson  
5 in favor; 0 opposed

A motion to close the meeting at 7:45 pm was made by Richard Benson and seconded by Jay Mendels  
5 In favor; 0 opposed

Respectfully submitted,



Debbie Mitchell  
Secretary  
Town of Thompson Zoning Board of Appeals