

APPROVED

TOWN OF THOMPSON
ZONING BOARD OF APPEALS
Tuesday, July 14, 2020

IN ATTENDANCE: Chairman Richard McClernon Richard Benson
 Robert Hoose Jay Mendels
 Barbara Strong Trev Miller, Alternate
 Paula Elaine Kay, Attorney Sean Walker, Alternate
 James Carnell, Director of Building/Planning/Zoning
 Debbie Mitchell, Secretary

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

A motion to approve the June 9, 2020 minutes was made by Jay Mendels and seconded by Richard Benson

5 in favor, 0 opposed

BENJAMIN LLOYD

Applicant is requesting an Area Variance from §250-16(A) and §250-16(B) of the Town of Thompson Zoning Code for the following purpose: (1) Accessory structure height from required 16' to proposed 16'6" (2) accessory structure setback from all property lines from required 10' to proposed 5'

Property is located at 123 Lake Shore Drive West, Rock Hill, NY S/B/L: 52.K.3.2 in the SR zone
Ben and Patrizia Lloyd

A Satisfactory proof of mailing was provided to the Board.

Mr. Lloyd – We have been a resident for a little over 7 years. We normally live in the city during the week and coming up here on the weekends. But since early March we have been here the whole time. We spend a lot of time and money on our property. We are looking to build a 2-car garage. We have lots of tree's around us and the car's take a beating from the weather & acorns. This would add value to our property. The Emerald Green Homeowners Association has approved this. And we have talked to our neighbors and they too are in support of this garage.

Chairman Richard McClernon – Emerald Green Homeowners Association has ok'd this garage.

Jay Mendels – Why is the height 16'6" as opposed to just 16'? Mr. Lloyd – As I was working with the architect, we wanted to be able to use the top of the garage as an office and the 6" is gives me just enough room and I didn't know at the time there was a 16' height requirement. I knew about the variances for the setback.

Jay Mendels – Was there a reason why you can't straighten out the garage? Mr. Lloyd – We are trying to not build it right in front of the house on the road side. It's at a slight angle to make it off set and allow us to get the car's in and out. The one back corner is 5' and the other corner is more than 10'. Jay Mendels – So you can't just straighten it out? Mrs. Lloyd – It's a little more difficult, it's a tight land and with working with the existing tree's it would be easier to clear out that area and just pivot it a little bit. Mr. Lloyd - We have 3 large trees that we don't want to cut down. And we would have to in order to straighten out the garage. We are trying to work with the tree line we have.

Robert Hoose – Is that shed 6'8" onto another's person's property? Mr. Lloyd – Yes, it is. It was there when we moved in. I was told it's been there for at least 25 years. Paula Kay – Can you move it? technically that's a violation. Mr. Lloyd - Yes, we could, it hasn't been moved in 25 years so I am afraid it might collapse if we try. Jay Mendels – If it's that old it might be coming down soon and you won't be able to put it back into that spot. Mr. Lloyd – I understand.

We lost Chairman Richard McClernon from the zoom meeting so Richard Benson took over.

Public Comment

No public comment

Public Comment closed.

A motion to vote on the variances was made by Robert Hoose and seconded by Jay Mendels
4 in favor; 0 opposed

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 Robert Hoose and seconded by Jay Mendels
4 in favor; 0 opposed

Chairman Richard McClernon is back

GARDEN HILL ESTATES, LLC

Applicant is requesting an Area Variance from §250-8 of the Town of Thompson Zoning Code for the following purposes: (1) Related recreational uses not closer than 100' to any property line from required

100' to proposed 63'1" (2) Related recreational uses not closer than 100' to any property line from required 100' to proposed 63'4"

Property is located at 50 Strong Road, Monticello, NY S/B/L: 1.1.12 in the RR1 zone.
Joel Kohn, representing applicant

A Satisfactory proof of mailing was provided to the Board.

Mr. Kohn -This is an existing Bungalow Colony that is in the RR1 zone and this use is allowed. They are looking to add a 70 x 100-foot volleyball court. We don't need approval or a building permit for this but according to the zoning bulk table recreational uses needs to be 100 feet from the property line. The front is 63'1" feet and the side will be 63'4"

Jay Mendels - Is it going to be paved and fenced? Mr. Kohn - It's going to be a finished service. There will be a fence around it as well. Robert Hoose – They are going to pave a Volleyball court? Mr. Kohn – I will double check.

Jay Mendels -How did you come up with that size? Mr. Kohn - I don't know really. They are talking about doing a double court. Trev Miller – Volleyball is normally 30 x 60 feet, I believe.

Chairman Richard McClernon -They are not going to use it for parking? Mr. Kohn – No, they have plenty of parking spaces.

Chairman Richard McClernon – Are you going to plant trees along the road? Mr. Kohn - There will still be enough trees there now for a buffer. Paula Kay – Can you add vegetation for sound buffer? Mr. Kohn - Yes, but can we ask the code enforcement if we need it since there is already a buffer there.? Paula Kay – Ok, let's see what the Public has to say. Mr. Kohn - Ok. I don't think we need one and don't want to put one in if it's not needed.

Jim Carnell – Is there proposed lighting? Mr. Kohn - Not that I know of but let me check. Jay Mendels – What about a building? Mr. Kohn - No.

Richard Benson – It was bought up about an electrical box for the pump station. Jim Carnell – Is there a pump station over by units 22 and 23? Is there another one by the parking area? Mr. Kohn - I have to check on that. Jim Carnell – It looks like a small box for a control box.

Richard Benson – What is the height of the fence? Mr. Kohn - If there is a fence then the max required, six feet.

Chairman Richard McClernon – Any open permits? Jim Carnell – Yes, but they are active. I don't believe there are any outstanding ones. Chairman Richard McClernon – Didn't we just approve some addition to some buildings. Jim Carnell – Yes, that was two years ago.

Public Comment

Rich & Jane Gordon – We live across the street. We have been here for about 50 years. We have seen this bungalow colony grow with lots of changes. There have been lots of issue over the years but mostly rectified. There have been many of nights we can hear baseball games at 2:00 am. We have spoken to them and they have tried to rectify it. Our first concern is sounds. That area is right across the street from our bedroom. If there is no sound proofing it could be an issue. I'm concerned if they add more lights, there are already too many lights. Volleyball requirement is 59 x 29.5 feet, so why are they proposing a 100 x 70 foot area? They are saying it's an essential addition. To me an essential addition is a septic tank. Jim Carnell, there is a pump station there. They are constantly changing things. You talked about those addition's two years back. You took what was a 2 to 3-bedroom house and now it's a 2-story house with who knows how many bedrooms on the same footprint. The septic was built for what was originally there and you keep adding building and that septic system is not going to last. And my wife and I are going to be the one's who suffer. If you remember when they first built, I said there was a septic problem and we were told there was none and there really was. We would like to enjoy the rest of our life here without issues.

Chairman Richard McClernon – Why can't this be moved behind building's 5 and 6. Mr. Kohn - The grade there is very steep.

Mr. Gordan - You talk about alternative areas. There is a nice piece of land by the pool. There are other area's that could entertain the use of the volleyball court. My wife's opinion is that they will build a 100 x 70 foot volleyball and then they will put up a pavilion or are going to do something else.

Mrs. Gordan – This applicant is very good at taking variances and using them to their advantage. This is a plan to get started and before we know it, we will have a pavilion there for the girls that don't leave the bungalow colony. Mark my words. This is a plan to get started and then have another variance and then another variance. And before we know it there will be a pavilion outside my window. There should be a limit on how many variances someone can get. We have 6 school bus coming all day long. Last night we had a bus coming to drop off boys at 2:00 am. Those buses are not quite and they are speed down our road. I'm asking you not to give them a variance and to live by the same rules as everyone else.

Chairman Richard McClernon – Just for verification Mr. Kohn said they want to put two volleyball courts there. What about the left-hand parcel across from building 28 – 30, there is an open area here? Trev Miller – That's the expansion area for the septic. Mr. Kohn - The existing septic system is over there. Mr. Kohn -What I propose is that I gather more info and come back next month after hearing Mr. & Mrs. Gordan's comments.

A motion to leave the public hearing open was made by Robert Hoose and seconded by Richard Benson 5 in favor; 0 opposed

RJPM, LLC

Applicant is requesting an Area Variance from §250-8 of the Town of Thompson Zoning Code for the following purpose: (1) Front yard setback from required 50' to proposed 9'4" (2) Front yard setback from required 50' to proposed 30' (3) One side yard setback from required 20' to proposed 5'7" (4) Combined side yard setback from required 50' to proposed 17'9" (5) Percentage of lot coverage from required 10% (existing 23.8%) to proposed 30.18%

This property is located at 15 Second Rd, Rock Hill, NY S/B/L: 37.-4-4 in the RR1 Zone
Bob Schmitt

A satisfactory proof of mailing was provided to the Board.

Mr. Schmitt – We started on the deck and we were stopped because we did not have a permit. We were here back in November and was asked to get additional information. We were asked to find out where the septic system is. We were postponed until December and unfortunately, I was in Florida. We undertook the task to find the septic system. We knew where the entrance was. We found the distribution box that was under the deck. We cut the deck back by 33" to expose the distribution box. We found the three legs of the leach field. We are now 14" in front of the deck to the distribution box. Off of that is a 15' leg going towards the west. A 7' leg going towards to east and another 7' leg going towards the south. We were wondering why it was 15' on one side and 7' on the other. The reason is because the existing grade on the east side drops off 3' from the side of the house to the property line. I'm thinking they ran out of land when they did this. Same thing is true for the 7' towards the road. Mr. Schmitt showed pictures to the board. We are proposing to build up with fill on the right side. I would have to add 9 ½ inches of fill to give me 9". The goal is to have a drop off no more than 9" off the side of the deck. We are also going to drop the deck by 3 ½ inches. We don't need to add any fill in the back-left corner and add 12 ½ inches in the left front corner and 8" in the center and 9 ½ inches on the right-hand front corner and 2" on the back-right hand corner. The objection is to add not too much fill just enough to make that deck 9" above grade. I plan on putting a rope fence on the deck to keep things safe. I feel that 9" is a long way to fall.

Jay Mendels – Why not just build the deck and not change the grade? Mr. Schmitt – That will make that deck higher off the ground. Jim Carnell – If it's less than 12" above grade it is exempt from setbacks, if it's more than 12" above grade then it must meet the setbacks. If it's below 30" then they don't need any railings. Mr. Schmitt – This deck is not attached to the house.

Chairman Richard McClernon – If he raises the grade then he won't need these variances? Jim Carnell – If he can maintain the surface of the deck to be less than 12" above the grade then that is a patio and won't need the variances.

Richard Benson – Are you tapering 9 ½ inches over the leach field? Mr. Schmitt – It will be over the right-hand leg of the leach field and partly over the left-hand leg. Richard Benson - How fair out are you bring that taper? Mr. Schmitt – I don't have a plan in that regards. I would like to bring it down and

leave about 18" around just in case. Richard Benson – That's not significant. Mr. Schmitt – I learned that you can't put too much fill over the leach field and that the leach field is functioning very well.

Jay Mendels – If he raises the grade and this is a patio then why is he asking for these variances? Jim Carnell – Not really sure. But if he puts railing on then it comes to us for setbacks. Jay Mendels – Does Mr. Schmitt know if he doesn't do the railing and bring up the grade, he doesn't need any of these things? Mr. Schmitt – No I did not. I was told to be here back in November. Jim Carnell – If you lower the deck, and raise the grade so that you can maintain less than 12" above grade then it's considered a patio and you're excepted from the variances. You won't be able to have the railing on it.

Chairman Richard McClernon – If he puts post on the side without touching the deck would he need a variance? Jim Carnell – No as long as the posts don't touch the deck.

Public Comment

Chairman Richard McClernon reads a letter from Mary Jane Petelinz, 10 Second Road, Rock Hill NY.

Closed Public Comment

Paula Kay – After this discussion it sound like we don't have an application any more.

Mr. Schmitt – I would like to withdraw my application.

AERO STAR PETROLEUM, INC

Applicant is requesting an Area Variance from §250-14 and §250-16(B) of the Town of Thompson Zoning Code for the following purpose: (1) Lot area for retail store from required 40,000 sq. Ft. to proposed 16,553 sq. Ft. (2) front yard setback for retail store from required 40' to proposed 27' (3) rear yard setback for retail store from required 50' to proposed 10' (4) front yard setback for canopy on East Broadway from required 40' to proposed 6' (5) front yard setback for canopy on Rose Valley Road from required 40' to proposed 18' (6) side yard setback for canopy from required 25' to proposed 16' (7) combined side yard setback for canopy from required 50' to proposed 34' (8) accessory structure closer to the road than the main structure.

The property is located at 21 E Broadway, Monticello, NY S/B/L: 31.-1-22 in the HC2 zone
Glenn Smith, Engineer

A motion to reopen the hearing was made by Robert Hoose and seconded by Jay Mendels
5 in favor; 0 opposed

Mr. Smith – A neighbor had submitted a letter and said he didn't have time to look at the plans at the last meeting. Last Wednesday, July 8, 2020 I submitted a slightly different site plan to the town. It's the same proposal, building, canopy and pumps will be taken down and the buried gas tanks will be removed and replaced with new ones. There are 5 old gas tanks there now and they want to replace them with 3 new 8,000-gallon tanks closer to east Broadway. This will all be reviewed by DEC. There

are 8 area variances required. Since the last meeting in June the neighbor gave us a list of things they want to see done. I have addressed those issues and the neighbor is now satisfied.

Mr. Smith -Here is what was added to the plan based on the neighbor's comments, we did a final septic system design. We did extensive soil test on the site. Septic system for the building along with a 100-foot expansion area. We relocated the well by a few feet. We add 20 evergreen shrubs on the side requested by the neighbor for additional screening. I add a note on the plan that all exterior walls will be earth tone. Verified that these are not DEC wetlands. We added curbing and drainage for run off to stay away from the neighbor's property. I listed the current violation of the property now and there are 7 and with the proposed plan there are now 8. The intent is to pull the 5 old fuel tanks and replace with 3 8,000-gallon tanks. We still need approval from the DEC, the County Public Works and the State DOT for the entrance way.

Jay Mendels – There was no new paperwork in my file. Jim Carnell – The variances did not change correct? Mr. Smith – Correct, and we added notes to the site plan that the neighbor asked us to add.

Public Comment

Perry Balaguard - We have no further objections we just want to reserve our rights for when it come up in front of the Planning Board. Paula Kay – If there is a Public Hearing you will have the right to speak at that time.

Closed Public Comment

A motion to close the Public comment was made by Richard Benson and seconded by Robert Hoose 5 in favor; 0 opposed

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

Jay Mendels – You said that they are currently not in compliance, what is the lot area? Mr. Smith - The lot area did not change its size is 16,553 square feet the minimum is 40,000 square feet. Jay Mendels – I mean lot coverage? Mr. Smith – The lot coverage requirement is 30%, the existing is 14% and proposed is 24.5%. It increased because of the slightly larger building.

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. Jay Mendels - it will be an improvement. Barbara Strong – It's an improvement. Richard Benson – It's an improvement. Chairman Richard McClernon – It's an improvement and it will clean up the area.

(3) Whether request is substantial; Robert Hoose and Richard Benson and Chairman Richard McClernon – We can't grow land. They voted No. Barbara Strong and Jay Mendels – When I'm taking the lot size into consideration. They voted Yes

(4) Whether request will have adverse physical or environmental effects; All voted No. Richard Benson - They are redesigning the septic and making sure the well is far enough away so that an improvement. Chairman Richard McClernon – They are replacing old tanks and redesigning the septic and they are doing a good job protecting the environment.

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

A motion to approve all 8 variances was made by Barbara Strong and seconded by Robert Hoose 5 in favor; 0 opposed Jay Mendels – Voted Yes because it's an entrance way into Monticello and it will be an improvement.

161 STARLIGHT RD LLC

Applicant is requesting an Area Variance from §250-14 and §250-16(B) of the Town of Thompson Zoning Code for the following purpose: (1) Front yard setback (lakeside) from required 50' to proposed 31'9" (2) one side yard setback from required 20' to proposed 13'9" (existing) (3) one side yard setback from required 20' to proposed 14'10" (4) combined side yard setback from required 50.0' to proposed 28'7"

Property is located at 161 Starlight Road, Monticello, NY S/B/L: 57.-2.18 in the RR2 zone.
Steve Vegliante, representing applicant

Paula Kay recused herself from this application.

A satisfactory proof of mailing was provided to the Board.

Mr. Vegliante – We are looking to replace the existing deck. When they redesigned the deck, they increased the deck by 4 foot. It increased the one side yard by about 2". It's basically the same size deck. They didn't realize that the existing deck was nonconforming. They didn't realize that once they took the deck down and started to rebuild, they needed a building permit. So, they stopped building. This is basically the same deck but better. I don't think this is a major request since it was there before and now it's better.

Public Comment

No Public Comment

Closed Public Comment

A motion to close the public comment was made by Richard Benson and seconded by Robert Hoose 5 in favor; 0 opposed

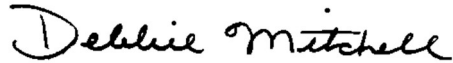
AREA VARIANCE CRITERIA:

- (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 all 4 variances was made by Jay Mendels and seconded by Richard Benson
5 in favor; 0 opposed

A motion to close the meeting at 8:36 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