

**APPROVED**

TOWN OF THOMPSON  
ZONING BOARD OF APPEALS  
Tuesday, December 8, 2020

IN ATTENDANCE:      Chairman Richard McClernon                      Richard Benson  
                                 Jay Mendels    Barbara Strong  
                                 Sean Walker  
                                 Paula Elaine Kay, Attorney  
                                 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 November 10, 2020 minutes was made by Richard Benson and seconded by Jay Mendels

5 in favor, 0 opposed

**APPLICANT RICHARD BAUM**

Applicant is requesting an Area Variance from §250-7 of the Town of Thompson Zoning Code for the following purpose (1) Front yard setback from required 40' to proposed 27.1 (2) Combined side yard setback from required 40' to proposed 35' (3) One side yard setback from required 15' to proposed 5.3' (75% allowance per §250-21(C) (1)) (4) Increasing a non-conforming structure.

Property is located at 58 Lake Shore Drive West, Rock Hill, NY S/B/L: 52.K-2-34 in the SR zone W/S.  
Richard Baum, Applicant

A Satisfactory proof of mailing was provided to the Board.

Mr. Baum – I have an existing deck that is 10' x 22'. The deck is pretty small and there is a chimney that is in the center of it giving us little space. The current deck is in need of repair. We would like to increase the size to 14' x 28'. The existing deck is inside the width of the house. We would like to expand it to be slightly larger than the house. The lots are pretty small. I submitted a survey and you can see the side yard setback to the right of the house is only 5.3 feet. We are going to be within the setback and we are not increasing it that much that it will not increase the nonconformity very much. The only other way makes this conform is to have the stair go straight down and we would have to raise the property. And I don't think it would be very appealing. Our deck is smallest of all the decks in the neighborhood. I got a call from Michael Hoyt from Emerald Green asking if I had put in my application. I had not. In the past they always wanted us to get a permit from the Town first then go to them. But I don't think there will be an issue. Paula Kay – There is a letter coming from Emerald Green Homeowners Association and they have no issue with your deck.

PUBLIC COMMENT:

No Public Comment

PUBLIC COMMENT CLOSE:

A motion to close the Public Hearing was made by Richard Benson and seconded by Jay Mendels  
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 the variances was made by Richard Benson and seconded by Jay Mendels  
5 in favor; 0 opposed

**APPLICANT MARCO MOROCHO**

Applicant is requesting an Area Variance from §250-9 & §250-16B of the Town of Thompson Zoning Code for the following purpose (1) Animal Housing from required 150' to proposed 83.3' (2) Accessory building closer to the road than the main building (3) Farm animals from required 2 farm animals o lots under 5 acres to proposed 50 (chickens)

Property is located at 30 Elliott Road, Glen Wild, NY S/B/L: 25.-1-38-26

A Satisfactory proof of mailing was provided to the Board.

This is held open from last month. The applicant is not here.

Chairman Richard McClernon – How has the noise been in the last month? Carl Chapin – The noise has been beautiful. There has been no noise from the rooster. We have no complaints as of now.

Chairman Richard McClernon – I was out there this morning and they got rid of all the chickens. If he wants to get the chickens back, they will have to re-apply. Paula Kay – The applicant is not here so we can't discuss what he plans on doing.

A motion to close the Public Hearing was made by Barbara Strong and seconded by Richard Benson  
5 in favor; 0 opposed

**APPLICANT VILDANA RADONCIC**

Applicant is requesting an Area Variance from §250-9 of the Town of Thompson Zoning Code for the following purpose (1) Animal housing from required 150' to proposed 80' (2) Animal housing from

required 150' to proposed 50' (3) Keeping of livestock from required 25 acres to proposed 5 acres (4) Keeping of fowl from required 25 to proposed 50.

Property is located at 266 Gregory Rd, Monticello, NY S/B/L :56.-1-52.10 in the RR2 zone.  
Vildana Radoncic, applicant

A Satisfactory proof of mailing was provided to the Board.

Ms. Radoncic – My husband and I own the property on 266 Gregory Road and it is 5 acres. We also have an additional 5 acres next to it. My initial plan was to turn the property into agriculture. Before I go forward with it, I wanted to test myself and see if I can manage it all. Currently I have 12 goats and I want to see if I can have more animals. Over the past years I have cleaned up the frontage of the property. I wanted to move the animals to the back of the property. It would be about 500/600 feet from the street view and then put a fence up so no one can see it. The code say's I need to be 150' from the neighbor line for the Barn. I'm requesting to be 80' from Mr. & Mrs. Wine's property line and 50' from my other property line. The Barn for the animals will be built so the animals will not be outside. Right now, I have 12 goats and I don't plan on having any other livestock. The goats are in a herds so they will not be allover the property. I currently have 25 fowl and I might have a few more from hatching of the eggs. My fowl size changes because of nature and wild animals. Paula Kay – You have 12 goats? Ms. Radoncic – Correct. Paula Kay - How many fowl? Ms. Radoncic – Forty Fowl. Paula Kay – Any other fowl on the property? Ms. Radoncic - I do have three peacocks, 1 turkey and 8 ducks. Chairman Richard McClernon – Those you just mentioned, are they included in the 40 fowl? Ms. Radoncic – No.

Ms. Radoncic – The Turkey and Peacocks are fenced in by 16' x 12' area. We don't let them out. How do you figure out how many fowl I can have? Paula Kay – The code does not discriminate on an animal if it's fenced in or not. Just that they are on the property. Ms. Radoncic – Can I keep that many goats on the property? Chairman Richard McClernon – Will the goats be fenced in a small area? Ms. Radoncic – They are fenced in now as you saw. In addition to that they will have their own section. Chairman Richard McClernon – How big of an area? Ms. Radoncic – 1,000 square foot.

Paula Kay – We have a specific language that goats are livestock and need to be on 25 acres. Chairman Richard McClernon – If you look up farm animal it is any animal used for food or production. Paula Kay – The Building Department determined it to be livestock. Jay Mendels – Paula what were you referring to then? Paula Kay – In the RR2 area under permitted uses, the following agricultural operation keeping of not more than 10 farm animals plus 1 additional farm animal per 1 additional acre. Then under that is keeping of livestock has to be 25 acres. And that's the variance she came in under.

Ms. Radoncic – I don't think that any farm would keep goats all over 25 acres, it's too large for goats. Paula Kay – One of your variances you requested was for the 25 acres for livestock. Ms. Radoncic – I went to the Building Department for everything I do on the property. I went to get a permit for the Barn.

Jay Mendels – If the applicant came in as farm animals not livestock would this be done differently?  
Paula Kay – Yes. Jay Mendels – I don't have any issue with this being farm animal. It's not cows or horses, it's goats. Jim Carnell – Most of the RR2 zoning districts prior to 2005 were for agricultural residential. And this property was in the RR2 zoning.

Ms. Radonic – I can reduce the chickens with no problem. This weekend I lost 5 of them. I'm not selling egg's I'm more concerned about the goats.

#### PUBLIC COMMENT:

Chris Ng, 246 Gregory Rd. - I received the notice and want to respond individually. As far as the location of the housing, on a this lot it would be prohibited. The property is not even 300 feet wide. I oppose to it and having any kind of variance done for the setback. In respond to the animals. I'm pretty opposed to them having a farm. When they first moved in things were good, then all of a sudden, they started bringing in these animals. It was a daily accordance that I had to shoo away chickens from my property. They had a lack of respect for my property. There is no fence there now. Under the town code 250-2 its say's Animals, including but not limited to domestic animals, such as sheep, horses, cattle and goats. Farm animals and livestock are not interchangeable under any circumstance. These are livestock. Section 250-9 needs 25 acres and 5 acres is not reasonable. In response to having just goats is untrue. When they first moved in, they had a cow tied to a tree for a day and then it was gone. I am not ok with any relaxing of a 150' setback for their 5 acres. I want to make sure there are no livestock or goats. I have no issue with the fowl as long as they are fenced in. They are not forthcoming with what they want to do. They say 25 fowl and then the next thing its 40. I feel I can not get the full enjoyment out of my yard with the smell and noise from these animals. I have videos of these chickens in my yard and by my pool. Chairman Richard McClernon – They are intitled to 25 fowl. Mr. Ng – I have no problem with that many and I have no issue when people do what they are supposed to do on their land.

Patty Benevides – I live on 228 Gregory Road. There are two lot's in between us. I only met my neighbors here recently. It involved an animal situation. I do see exotic animals in the road and I heard all her goats are pregnant. I am all for a small farm but not when it is not safe for the animals. I felt unsafe two weeks ago when her 2 very large dogs were on my porch. I was frightened, so I drove over to her place and she said she was not sure what they would do if they felt unsafe. What I'm trying to say is, we can say yes to a building that honors the setback now and yes, the goats can be fenced in. But things do happen when you have too many animals. I feel they did a great job with the house and property but now that I hear their goats are pregnant that's too many. I'm concern is the animals and myself in my home if the animals get out. I'm completely against the changing of the setback from 150' to 80'.

Ms. Radonic – I am technically 250 feet away from his property line and I am requesting 50 feet from my other property line. I am not going anywhere near his property line. The only request is for Mr. Wine's property line. I have fenced the property so they don't go onto Mr. Wine's property. I didn't see any issue with the Barn being built 80' from Mr. Wines property line. We did have an issue in the spring

with the chickens. In the last 3 months I have not seen any chickens near Mr. Ng's property line. I can decrease the number of fowl. As far as the goats, I am very concern with there safety. We did have a situation with my fence because of a storm and the dogs did get out. That was the first time the dogs were ever off my property and I am making sure that does not happen again. In regards to the Cow, it's a religious situation. We are Muslim and have to sacrifice an animal every year. I can either do it at the house or Mr. Rubin's farm where I buy it from. But I like to do it at home. I have a fence behind the property but the whole property will be completely fenced in. I'm hoping to purchase more property behind or next door. Paula Kay – You mention that you have two lots and they are not combined so they are looked at separately. If you combine the two lots then you will have your set back and you could increase the number of fowl. The only issue you would have would be with the livestock. Ms. Radoncic – I can combine the two lots. Paula Kay – If you combine the two lots then you might just have to come back for the animal interpretation. Ms. Radoncic – What is the difference between livestock and farm animals. Paula Kay – The town Building Department denied you for not having enough property for livestock. Our code say's you need 25 acres to have livestock. What Chairman Richard McClernon is saying, there is a prevision for 10 farm animals on 5 acres. But your denial was for livestock.

Ms. Radoncic – I don't think the Building Department understood me.

Chairman Richard McClernon – Would you like to withdraw this application, combine the lots' and then come back for an interpretation on the goats as to wither they are livestock or farm animals?

Chairman Richard McClernon – We can hold this open for one month and then you can decide what you want to do. In the meantime, make sure the animals are all secured.

A motion to hold the meeting and Public Hearing open for one month was made by Jay Mendels and seconded by Sean Walker  
5 in favor; 0 opposed

#### **APPLICANT 4020 ROUTE 42 REALTY**

Applicant is requesting an Area Variance from §250-11 & §250-21B(4) of the Town of Thompson Zoning Code for the following purpose (1) Large canopy – Front yard setback from required 50' to proposed 10.1' (2) Increasing a nonconforming structure – N/A proposed 150sq ft addition on north façade of building. (3) Small canopy from yard setback from required 50' to proposed 25.7' and (4) Small canopy rear yard setback from required 50' to proposed 18.9'

Property is located at 4370 St Route 42, Monticello, NY S/B/L: 13.-3-39 in the HC2 with central water/sewer zone.

A Satisfactory proof of mailing was provided to the Board.

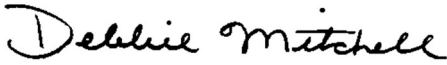
The applicant did not show up.

A motion to leave the applicant open for one month was made by Jay Mendels and seconded by Sean Walker

5 in favor; 0 opposed

A motion to close the meeting at 8:13 pm was made by Richard Benson and seconded by Jay Mendels  
5 In favor; 0 opposed

Respectfully submitted,

A handwritten signature in black ink that reads "Debbie Mitchell". The signature is written in a cursive style with a large initial "D".

Debbie Mitchell  
Secretary  
Town of Thompson Zoning Board of Appeals