

TOWN OF THOMPSON
ZONING BOARD OF APPEALS
July 12, 2022

IN ATTENDANCE: Chairman Richard McClernon

Sean Walker

John Kelly, Jr.

Paula Kay, Consulting Attorney

James Carnell, Director of Building/Planning/Zoning

Phyllis Perry

Cindy Ruff, Alternate

Darren Miller, Alternate

Laura Eppers, Secretary

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

Chairman McClernon appointed Cindy Ruff as a voting member.

A motion to approve the May 10, 2022 minutes was made by Cindy Ruff and second by Sean Walker.

5 in favor, 0 opposed

*Paula Kay – We are experiencing an issue with the zoom link at the bottom of tonight agenda and there may be public trying to get in that cannot. The zoom information is correct on the legal notices that were mailed out to the adjoining property owners and published in the Democrat, but the meeting cannot be access via the link on the agenda. I suggested we keep the public hearings open until the next meeting. Jim Carnell – Being the zoom information is correct on the legal notices and there is only an issue with the one link, can the Board act tonight? Paula Kay – They can act if they want to, I'm just cautioning because there may be some people trying to access the meeting through the link on the agenda. I am not comfortable with making the applicants wait another month, but also not comfortable knowing there could be a possibility that someone is trying to use this link and won't be able to comment. I don't anticipate there being any issues with any of these projects and people could have come in person, but it is up to the Board. Cindy Ruff – Would it be possible to have a second meeting this month or do we have to wait the whole month for next month's meeting? Paula Kay – That is the Boards prerogative. Jim Carnell – As Cindy was saying, since everyone was noticed property, maybe the Board can do something along the lines of acting tonight but leaving the hearing open for 10 business days for public comment and date the variance approvals for that date. This giving the public 2 weeks to comment. Paula Kay – That would work but if there is any public comment, I would suggest the Board meeting again before closing the public hearing. We can notice a meeting and if there is no public comment, then the determinations of tonight's meeting will be effective. Chairman McClernon – Is the 10 business days enough time and would the applicants have to come back? Paula Kay – The 10 days is fine and the applicants do not have to come back, just the Board.

The Board discussed this and decided to act tonight, giving tentative approval, and hold the public hearing open until 4:30 p.m. on July 26, 2022 for written public comment. If no comment(s) received, then the variance approvals will go into effect. If there is public

comment(s) then the Board will meet again with in the month to review. An emergency legal notice needs to be published in the paper, Friday July 15, 2022, stating this.

APPLICANT: ALEKSANDER HOLDINGS, LLC.

236 Old Liberty Road
Monticello, NY
S/B/L: 13.-1-50
Rabbi Yaakov Singer, Project representative

A motion to take agenda out of order and move this project to the bottom was made by John Kelly and second by Sean Walker.

Applicant is requesting an Area Variance from §250-9 and §250-21B(4) of the Town of Thompson Zoning Code for: (1) Summer Camp/Bungalow Colony Rear Yard - §250-8 from required 50' to proposed 44.8'. Property is located at 236 Old Liberty Road, Monticello, NY. S/B/L: 13.-1-50. In the Zone: RR-1

Proper proof of mailing was submitted.

Rabbi Singer – As of late, I am finding that things are changing and people want bigger bungalows so that living is not so congested while they are here for the season. With that being said, I am trying to open the kitchen up into the existing bedroom and add an addition on the back for a bigger bedroom to go there. No change in use or additional occupancy, just a little bit more living space. This unit has to be jacked up for some repairs so while we are doing that, we want to factor this addition in and get it done right.

Chairman McLernon – We appreciate you wanting to get the work done correctly. Paula Kay – Jim, do you have any comments or issues with this unit. Jim Carnell – No, everything is good.

No further questions/comments from the Board.

Opened discussion to public.

No comment from the public at this time, but the public hearing is being held open until July 26, 2022 at 4:30 p.m. for written comment.

(1) Whether benefit can be achieved by other means feasible to applicant; 4 voted no, Phyllis Perry voted yes

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

(3) Whether request is substantial; 4 voted no, Phyllis Perry 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 NEGDEC was made by John Kelly and second by Sean Walker.
All in favor, 0 opposed

A motion to approve request for variance, pending the close of public comment on July 26, 2022, was made by Cindy Ruff and seconded by John Kelly.

5 in favor, 0 opposed

APPLICANT: JAQUELINE FORBES

424 Glen Wild Road

Rock Hill, NY

S/B/L: 25.-1-38.1

Matthew Waldman and Jaqueline Forbes, Property owners

Applicant is requesting an Area Variance from §250-7 and §250-21B(4) of the Town of Thompson Zoning Code for: (1) Fence height - §250-18A from required 6' max to proposed 8' (2) Retail & Service side yard setback - §250-10 from required 35' to proposed 1.2' (3) Retail & Service rear yard setback - §250-10 from required 50' to proposed 7.9' (4) Increasing a non-conforming building - §250-21B from required N/A to proposed N/A. Property is located at 424 Glen Wild Road, Rock Hill, NY. S/B/L: 25.-1-38.1. In the Zone: RR-1

Proper proof of mailing was submitted.

Matthew Waldman – My wife and I are having our first child and we would like to raise our family in this house. It has been in the family and we would be the third generation to live in it. The house is 180 years old and the biggest concern for us is updating the electric. However, if we are going to do that, then we might as well do new sheetrock, insulation, kitchen, bathroom, the whole deal.

Chairman McClernon – Was the deck and fence already there? Matthew Waldman – Yes. Chairman McClernon – Are you just looking for these variances so you can move forward? Matthew Waldman – Yes sir. We have inherited some violations with the property. Chairman McClernon – So you are just looking to clear things up for the future. Paula Kay – To clear up things like the height of the fence, which is 8 feet and 6 is allowed. Chairman McClernon – Then there is the side yard setback at 35 and it's 1.2 feet, which is an existing deck from a while ago and then the rear yard setback at 7.9 feet. Is that from the garage? Matthew Waldman – Yes. Chairman McClernon – Okay, so it's an existing structure on the property. Matthew Walden – I was told, but do not have any evidence, that the property lines were established after the house was built and I believe the garage was built somewhere around 1970, which was before the neighbor's house was built.

No further questions/comments from the Board.

Opened discussion to public.

No comment from the public at this time, but the public hearing is being held open until July 26, 2022 at 4:30 p.m. for written comment.

(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 vote no

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

(5) Whether alleged difficulty is self-created; 4 voted yes, Cindy Ruff voted no

A motion to approve request for all variances, pending the close of public comment on July 26, 2022, was made by Phyllis Perry and seconded by Sean Walker.

5 in favor, 0 opposed

APPLICANT: PETER WEISS

320 Lake Louis Marie Road

Rock Hill, NY

S/B/L: 52.-1-13.8

Peter Weiss and Marisa Umsawasdi, Property owners

Applicant is requesting an Area Variance from §250-7 of the Town of Thompson Zoning Code for (1) One side yard setback with W/S - §250-7 from required 15" to proposed 11' (2) Combined side yard setback with W/S - §250-7 from required 40' to proposed 32.75' (3) Percent of lot coverage with W/S - §250-7 from required 20% to proposed 24.1% (4) Increasing a nonconforming structure - §250-21B(4) from required N/A to proposed N/A. Property is located at 320 Lake Louis Marie Road, Rock Hill, NY. S/B/L: 52.-1-13.8. In the Zone: SR with central water/sewer.

Proper proof of mailing was submitted.

An Emerald Green homeowner's association letter of approval was received.

Peter Weiss – We just bought the house last July. We still live in Queens, but it has been our dream to own a lake house. We just finished renovations on the house and got the C/O from the town. We cleared the over grown trees and bushes to make it look nicer and have lake access. The existing deck is old and falling apart. The railings are very low and not sure if they are even to code. We are looking to expand and improve the outdoor living space to plan for retirement and enjoy the lake in the meanwhile. I think it is only the stairs off of the deck that do not meet the setback and not the deck itself.

Chairman McClernon – Unfortunately, unless the stairs are covered, they are considered part of the deck. Sean Walker – This is Emerald Green? Chairman McClernon – Yes, it's the first house on the right, just past the pool.

No further questions/comments from the Board.

Opened discussion to public.

Camille Johnston, LLM HOA board member – I sent an email to the building department prior to the meeting expressing my concern about putting the fence back up properly when they are done. Jim Carnell – The applicants expressed that they will not be touching the fence at all. Camille Johnston – They took it down the last time they did some improvements and never put it back properly.

No further public comments, but the public hearing is being held open until July 26, 2022 at 4:30 p.m. for written comment.

- (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 vote 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 request for all variances, pending the close of public comment on July 26, 2022, was made by John Kelly and seconded by Sean Walker.
5 in favor, 0 opposed

Chairman McClernon asked for a motion to go into an executive session, with attorney and Board members, to discuss threatened and/or pending litigation.

A motion to enter the executive session at 7:39 p.m. was made by Phyllis Perry and second by John Kelly.
All in favor, 0 opposed.

A motion to end the executive session at 7:51 p.m. was made by Phyllis Perry and second by Cindy Ruff.
All in favor, 0 opposed.

A motion to close the meeting was made by Sean Walker and second by Cindy Ruff.
5 in favor, 0 opposed

Respectfully submitted,

Laura Eppers
Secretary
Town of Thompson Zoning Board of Appeals