

TOWN OF THOMPSON
ZONING BOARD OF APPEALS
October 11, 2022

IN ATTENDANCE: Chairman Richard McClernon	Jay Mendels
Sean Walker	Phyllis Perry
John Kelly, Jr.	Cindy Ruff, Alternate
Paula Kay, Consulting Attorney	Darren Miller, Alternate
James Carnell, Director of Building/Planning/Zoning	Laura Eppers, Secretary

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

No minutes to be approved.

APPLICANT: THOMAS & JILL CARUSO

Big Woods Road
Harris, NY
S/B/L: 1.-1-84.4
Thomas Caruso, Property owner

Applicant is requesting an Area Variance from §250-8 of the Town of Thompson Zoning Code for (1) Hunting and fishing cabins from required 10 acres to requested 5.03 acres. Property is located on Big Woods Road, Harris, NY. S/B/L: 1.-1-84.4. In the Zone: RR-1

Chairman McClernon read the legal notice out loud.

Proper proof of mailing was submitted.

Thomas Caruso – I also own the 2 adjacent lots to this property for a total of a little over 10 acres. I have owned the parcels for a little over 5 years and just recently built a cabin on this parcel, in the place of the old dilapidated structure that was on the property. I was not aware that I needed a building permit to do this until I received the violation in the mail. I came in right a way to file for a building permit and take care of this and was told that I would need a variance. To be honest with you, I have the acreage, but do not want to combined any of the lots because I have 3 children and would like to leave them each a lot when I pass on. Each child would get a 5-acre lot and I am hoping to keep it that way.

Paula Kay – This cabin was built without any approvals? Thomas Caruso – Yes.

Chairman McClernon – With this structure being used as a hunting and fishing cabin you may not be able to build a house on this property or the neighboring properties. I will let Jim explain the State laws about distance and everything. Thomas Caruso – To be honest with you, it's not really a hunting and fishing cabin. It's more of a recreational area for the wife and kids.

Paula Kay – How big is it? What are the dimensions? Thomas Caruso – I think it's approximately 12' x 16', so it's about 196 square feet. Chairman McClernon – So, that doesn't meet the 400

square foot requirement for a hunting and fishing cabin. Your other options would be to put in a 1,000 square foot home and use it seasonally or combined at least 2 of the lots to make the required 10 acres. Thomas Caruso – Right. Paula Kay – If he were to build a single-family home, he could use it however he wants, seasonally or not seasonally, and if he uses it as a hunting and fishing cabin, he would need not only a variance for the size of it as well as a variance for the acreage. Thomas Caruso – When I applied, I was under the understanding that it had to be 400 square feet or under. Paula Kay – Let me check the language. Chairman McClernon – I think the difference between the definition and what is on the bulk table is confusing. One says it has to be less and the other one says 400 or greater. I think we ran into this previously. Paula Kay – Right. Chairman McClernon – I don't know if you would need Planning Board approval, but another option could be to subdivide off some of the 2 side lots and combined that with the middle lot to get to the 10 acres. Then it would be two 2.5-acre pieces and one 10-acre piece. Jay Mendels – What came up in the work session was, by identifying it as a hunting cabin, assuming that they will be doing hunting, and we grant approval for it to be on just one of the 5-acre parcels, nothing stops you from selling at some point and then it's a sub-standard size lot. Thomas Caruso – I get that and me and my son will probably be doing some hunting, but I have no intentions of selling any of them. If there ever came a time that I needed to sell, I would probably end up selling them all. Chairman McClernon – The house might be the best way to go. You could put heat and everything in it and use it year-round even. Thomas Caruso Yeah, but that is a little bit of a financial burden. We really just want to use it for a hunting spot for my son and I and maybe an overnight get-a-way for my wife. Jay Mendels – Would you be receptive to combining the lots? That way if you have one lot that is the correct size, you will only need a variance for the size if the cabin. Thomas Caruso – I guess if I have no choice, I am going to have to do that. I know I am at the mercy of the Board, but as I have explained I really would like to keep 3 separate parcels of approximately the same size for my kids. This way they would each have their own lot to put a house on, in the future, if they want. Obviously, the hunting cabin would have to come down if they decided to do that. In the meantime, we would just like to use it when we hunt or want come up of the weekend. Chairman McClernon – Did you find anything Paula? Paula Kay – I think you can read our code both ways. I don't know if we have any public on this, but my concern is it was built without approvals on half the lot size that is required and he owns other adjoining property. There are other avenues here. It may not be exactly what Mr. Caruso wants to do, but there is a way to make this code compliant. Chairman McClernon – Okay.

Sean Walker – Is it pretty much just a shack? Thomas Caruso – I mean it's nice and built solid. I was towing a camper up there to stay the weekend with the family and we wanted something more permanent. There was this old dilapidated structure already there, so I just built something new there. Cindy Ruff – So, you basically just replaced what was there? Thomas Caruso – Yeah.

Chairman McClernon – Anybody else have any questions? Cindy Ruff – Is there water in the Cabin? Thomas Caruso – No. Cindy Ruff – No septic or anything else? Thomas Caruso – No. When I bought it, the land was raw and over grown. The property backs up to the East Mongaup River and I've cleaned up a lot of the down trees and even went into the river and cleaned some of those fallen trees. Chairman McClernon – Just as a reminder, when you are dealing with the river and removing stuff, you need DEC approval. They have fly overs that monitor the river, so don't be surprised if you get a knock on the door with a fine. Thomas Caruso – Good to know. I also tried to clean up the road side by clearing the drainage ditches. A lot of time when a tree falls, it would block up the drain and the water would start to erode the street, so I would try to clear those.

No further comments or questions from the Board.

Meeting was opened up to the public.

Jack Halchak – Here on behalf of the Rod and Gun Club located out on Big Woods Road. Our property borders Mr. Caruso's property. I believe from what I see on the map that you own about 17 acres. Thomas Caruso – I think it's just over 16 acres. Jack Halchak – Our concern is that the legal notice reads "hunting and fishing cabins" and like the Board said, you can't shoot within 500 feet of a dwelling. On your property you can, but for hunting you are going to limit the amount of acreage you can hunt. If you are going to hunt the property slopes down to the river and that also adds limitations. We are with you, but are just concerned and want to protect our interest. I think you have approximately only 375 yards of river frontage. Thomas Caruso – I'm not really sure how many yards. Jack Halchak – Again, looking at the legal notice received and taking it at face value, if there is more than one cabin, we are concerned the river couldn't handle a commercial entity hunting and fishing at that particular area. Thomas Caruso – It's just one cabin, it's not multiple of them. Jack Halchak – Okay. Again, we just took the notice at face value and wanted to protect our interests. Thomas Caruso – Completely understandable. Jack Halchak – We also noticed your good intentions of improving the river bank, but you can not do that. We are in the forest program and when I walked the property with the Forester, he noticed and said you could be arrested for that. You are not allowed to clear a certain distance from the center of the river back to your property. Anyway, according to the notice I guess he needs 10 acres to put a cabin on if it's being considered a "hunting and fishing" cabin. Chairman McClernon – Yes and he only has 5.03 acres. Jack Halchak – Where does those 5 acres come from? Thomas Caruso – It's the middle piece right here and then I also have these other 2 pieces. Jack Halchak – Okay. Chairman McClernon – So, if he combines them, he wouldn't need a variance or anything extra because he would be allowed to have the cabin on the 10 acres. Jack Halchak – Where those subdivided before or after you bought them? Thomas Caruso – I never subdivided, I bought the three lots already subdivided. Jack Halchak – From the Town of Thompson Park to the Liberty town line, many lots were sold and they are very narrow because they wanted to get stream front and there is a potential conflict with some of those property owners because our property, according to deed, does cross over the stream, but not on your side. Thomas Caruso – I did talk to Bruce a long time ago, when you put up all the signs, and we had a conversation about that. He has my number and can call me at any time and I wish he would have called me if I was doing something wrong. Jack Halchak – Anyway, our only concern is there is not enough stream frontage if this is going to be a commercial entity for fishing and hunting and the additional buildings would limit our space to hunt. Which it's not the case, right? Even though the notice has the word "cabins" indicating plural. Thomas Caruso – No. It is strictly for personal use only. I don't want that at all. Chairman McClernon – The title of the section is "Hunting and fishing cabins". You don't see his application request with the legal notice, but his request was to put in one cabin. If you come across something like this in the future you can go onto the Town's website and go to the agenda, the applicants name is in blue, if you click on that, it shows you all the information supplied for that project.

No further public comments.

A motion to close the public hearing was made by Jay Mendels and second by John Kelly. 5 in favor, 0 opposed.

Jay Mendels – Before we read the criteria, do you want to withdraw this for the time being and re-think how you want to present it because the Board has a lot of concern about what is being asked for? Chairman McClernon – That way you don't have to come back and you could go straight to the Building Dept. for the lot combination. Jay Mendels – He would have to still get a variance for the size of the cabin. Paula Kay – I don't think he would, so if he handles the size of the lot by some sort of combination/subdivision and the Planning Board approves it, he wouldn't have to come back to this Board. Thomas Caruso – When I was talking to the Building Dept. about this, I believe there was some sort of possible discrepancy that I may not be able to combine the lots. I think because they were subdivided at some point. Jim Carnell – To clarify that a little, we have a provision in our code that if you wanted to combined 2 lots, they have to have the same name on both deeds and the other part of this is the State requirement that is a subdivision is approved by a Planning Board, that is the only entity that has the authority to deviate or change what was done. So, the Building Dept. and Assessors office would not be able to combined the lots without Planning Board approval, since they approved the original subdivision. Thomas Caruso – Okay. Paula Kay – The only other potential issue here is, do you own the 3 lots with or without a mortgage? Thomas Caruso – There is no mortgage. All 3 lots are mine, free and clear. Paula Kay – Okay, then never mind, there is no other potential issue. Chairman McClernon – Okay, so, what's your pleasure? Do you want us to vote on it? Thomas Caruso – I guess it sounds like I better withdraw it and then go file to have 2 lots combined. Chairman McClernon – You can get the Planning Board application online, on our website, or you could stop in the Building Dept. to get one. They meet again in 2 weeks from tomorrow, so if you can get your information in by next Wednesday, you can be on the agenda for the 2nd meeting this month. Jim Carnell – being it's a minor lot combination it should be easy with no issues. Thomas Caruso – I'm I going to need surveys or anything like that? Jim Carnell – No, because of the meets and bounds that were done for the subdivision, they should be in the deeds. Correct me if I'm wrong Paula, but the Planning Board didn't ask for a survey on the last project like this. Paula Kay – I don't think so, but we can check with Kathleen Lara tomorrow night and make sure. Jay Mendels – Okay, and you heard your neighbors' concerns, so just be a good neighbor. Thomas Caruso – Yes, absolutely.

APPLICANT: BEN GRUNFELD

5 Rapshitz Lane

Monticello, NY

S/B/L: 12.-1-5.7

Bucky Loucks, Property representative

Applicant is requesting an Area Variance from §250-8 of the Town of Thompson Zoning Code for (1) Summer camps front yard setback §250-10 from required 100' to proposed 76'. Property is located at 5 Ropshitz Lane, Monticello, NY. S/B/L: 12.-1-5.7. In the Zone:

Chairman McClernon read the legal notice out loud.

The Owners Proxy on file for the Zoning Board application was blank. Bucky Loucks insisted he submitted an executed Owner's Proxy to the Building Department. Jim Carnell checked the physical file in the Building Department and found an executed Owner's Proxy that was submitted with the building permit application. Paula Kay advised that the Owner's Proxy was acceptable. A copy of said Owner's Proxy was provided to the Zoning Board and a copy scanned to the Zoning Board project folder on the Google Drive.

Chairman McClernon – The site plan you submitted with just an arrow on it pointing to where the deck will be, is not acceptable. It looks like the Building Dept. printed a copy of the approved site plan for the development that this property is in to show which unit it is, but I thought it was

the new building, number 8, that you were talking about because that's what's highlighted in black and I didn't know what that arrow meant. Bucky Loucks – No, it's number 33. Chairman McClernon – The site plan we see on the Google Drive is blurred and it's hard to see what the numbers on it are, but it should have showed the deck on the back of it. Bucky Loucks – I have pictures here for you guys to look at. This is a picture of the property from the road to show what it looks like right now and this is a picture to show what the deck will look like on the house. Chairman McClernon – Make sure you have the deck on any future plans you may have and the lines going out to show the dimensions. Bucky Loucks – Okay, but I hope to not have to do this again. Usually, the owner of the colony takes care of this stuff, but this is his holiday. Chairman McClernon – Okay, because this is building 1 & 3 here. Bucky Loucks – Right, that is building 1 & 3 and its going to be the same deck. It will come out 16 feet and will be 78 feet from the road. Chairman McClernon – Okay, then which unit is this? Bucky Loucks – The one right next to it, 35 or 34, I'm not positive. Chairman McClernon – The unit attached to the unit you are looking to build on already has a deck on it, right? Bucky Loucks – Yes, it has a wood deck on it. This deck is all going to be composite with plastic decking and no roof on it. They spent quite a bit of money on it so I don't think they will turn it into a room down the road with that kind of money invested. Phyllis Perry – I'm sorry, what is this picture here of? Bucky Loucks – That's the picture of the unit from the road. Chairman McClernon – But, that's not the building, right? Bucky Loucks – Yes, that's the building. Chairman McClernon – But, that's unit 1 & 3 in the picture. Cindy Ruff – How far away from the fence is it? Bucky Loucks – From the edge of the road it is 78 feet and once I put the deck on it will be 16 feet closer. Cindy Ruff – Okay, but the question is, how close to the fence is the deck going to be. Bucky Loucks – I'm not sure of the exact footage, but there is a lot of room. Chairman McClernon – I think there is confusion on what unit it is. It's the second building from the road going into the colony on the site plan, but this picture is of the first unit in the colony. Bucky Loucks – I think what you are looking at is 1 & 2 on this side. Chairman McClernon – No, this is 1, 3, 5 and 7 is down here. Bucky Loucks – Okay. So, if 1 & 2 are there, the it's unit 3. Jim Carnell – The Building Dept. has it as # 33. Chairman McClernon – Which is unit 5, which is the 2nd building. Jay Mendels – And this is not a picture of that unit. Bucky Loucks – Well, that's a picture of the unit I am applying for. I thought # 33 was the first building in. Jay Mendels – Not according to the site plan. John Kelly – Let me show you on my screen. This is the driveway; these are the 2 buildings in the picture and this one is building 33. Chairman McClernon – And you can see the building over is the one with a deck already on it. Bucky Loucks – Okay, so it must be building 35 I am doing. Sorry about that. Chairman McClernon – Paula, since this has been noticed as the wrong building, we can't act on it right? It has to be re-submitted, right? Paula Kay – Right. I agree. Jim Carnell – Even though it wasn't noticed as unit 33? Chairman McClernon – Yeah, but it was noticed as 5 Ropshitz Road, which is unit 33. Let me pull up the map here with the arial view. Paula Kay – I don't know if it would change the notices or not. Jim Carnell – Because the notices are sent based on the property line and that isn't changing, so it wouldn't change the mailing list. Paula Kay – Right and the SBL on the legal notice is correct? Jim Carnell – Yes. Paula Kay – So, the address listed it 5 Ropshitz Lane and the SBL is 12.-1-5.7 on the notice mailed. It's up to the Board. If the SBK is correct, that's more material the than address itself. However, the documentation that was presented to the Board doesn't have the correct information on it and has to be corrected. Chairman McClernon – Don't we want it on the right property. Paula Kay – Well, again, the SBL is correct, but you are right and it would be cleaner if it's on the right property. Maybe the applicant should come back to the next meeting with more information on the deck and showing it on the correct property. Maybe the map should be revised and specified. Like I said, I'm not so concerned about the legal notice in this case, but the documents presented to the Board need to be corrected. It will also give Laura time to check the legal notices. Bucky Loucks – It's all one piece of property so I'm don't understand what the biggest problem is here. It's just a different house number. Jim Carnell – The Board just wants to be sure they are acting on the right unit. Chairman McClernon – because when we go out to assess that property, we're going to go to

unit 5 and there won't be any deck there. Bucky Loucks – Right, but when I get the permit, it will have the correct unit number on it and you will know which one it is. Chairman McClernon – Well, hopefully. Jim Carnell – Then our file has it listed as 33. Bucky Loucks – I went off of the paperwork and the numbers are so small on there that you can barely make them out. Chairman McClernon – You even drew it from # 5, the second building. Bucky Loucks – Right, but I took a picture of the building I am putting it on. Chairman McClernon – Right, but you drew it from unit 5, not unit 3, or whatever the correct unit is.

Jim Carnell – I wanted to raise the issue with the Board tonight that the court room will not be available for the next meeting, as it is election day and voting will be going on in here. I wasn't sure if you would just cancel the meeting. Chairman McClernon – I won't be here that meeting either way. Jay Mendels – Do we have the ability to the day we meet, instead of cancelling the whole month? Or do we do a Zoom meeting? Paula Kay – We could do a Zoom meeting. Jim Carnell – You can hold the public hearing open; you're just not having your regularly scheduled meeting in this room next month. Paula Kay – I think Jay had a good idea and you could do it by Zoom next month. Or perhaps, Jim, can we use the Supervisor's office if it a small meeting? Jim Carnell – We could, I'm just not sure how we are going to be able to determine the size. Chairman McClernon – Yeah, it could be 1 application with a lot of public turn out. Paula Kay – I think the first thing that needs to be done is to determine if you are okay with leaving this open until the next meeting and then you can determine when or where that will be. Chairman McClernon – Yes, but we are going to need a new site plan with a deck on the right unit and the measurements if that deck. Sean Walker – And the mailings, right? Chairman McClernon – And the mailings to make sure everyone was noticed. Paula Kay – Right and Laura will do that. Jim Carnell – My concern is there is no need to re-notice, just keep the hearing open and reconvene at the next meeting. Paula Kay – Right, but we discussed before, in the work session, that Laura would check the mailings, just to make sure that everybody was noticed because the names weren't on the green certified slips. Laura Eppers – Paula, if there is just 1 or 2 missing, do they need to just let those people know. Paula Kay – No necessarily, if there happens to be 1 or 2 missing there is a provision in our code that the mailings have to be substantially be correct, so I would say 1 or 2 potentially would not be substantial. Jim Carnell – The notice was in the paper. Paula Kay – Right and I'm not to concerned, but I do want to make sure we go through them. So, is tat what the Board wants to do? To hold the public hearing open? Chairman McClernon – This open it to the public first to see if there are any comments.

Meeting was opened to the public.

No public comment.

A motion to leave the public hearing open until the next meeting was made by Phyllis Perry and second by Sean Walker.
5 in favor, 0 opposed.

Chairman McClernon – Do pick another night to have the meeting or do we just depend on Zooming in? Paula Kay – I think Jim's right and we should wait to see what kind of agenda comes in. Chairman McClernon – I think the deadline for that meeting is the 21st so we will know by then. Jay, will you be the chairman at the next meeting. Jay Mendels – Yes, I can do that. Chairman McClernon – Thank you. Laura Eppers – Paula, if we end up Zooming, do we have to take the verbiage off od the agenda that states that Zoom is just a curtesy? Paula Kay – If we end up meeting by Zoom only, then yes.

A motion to close the meeting was made by John Kelly and second by Jay Mendels.
All in favor, 0 opposed.

Respectfully submitted,

Laura Eppers
Secretary
Town of Thompson Zoning Board of Appeals