

TOWN OF THOMPSON  
ZONING BOARD OF APPEALS  
August 8, 2023

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

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

A motion to approve the June 13, 2023 minutes was made by John Kelly and second by Phyllis Perry. All in favor, 0 opposed.

Chairman McClernon appointed Cindy Ruff as a voting member for tonight’s meeting.

**APPLICANT: TIMOTHY HANNES**

Hilltop Road  
Monticello, NY  
S/B/L: 27.-1-11.6

Timothy Hannes, property owner  
John Hannes, property owner

Applicant is requesting an Area Variance from §250-9 of the Town of Thompson Zoning Code for (1) Hunting/fishing cabin from required 10 acres to 5.594 acres. Property is located on Hilltop Road, Monticello, NY. S/B/L: 27.-1-11.6. In the Zone: RR-2

Chairman McClernon read the legal notice aloud.

Proof of mailings were received.

Timothy Hannes – Basically we are looking to build this cabin to come hangout at when we are up here and I have passed out some renderings of what the cabin will look like. To answer some of the questions that were raised during the work session, the cabin will be about 360 square feet, we plan to have electric to it, and we will have a combustible toilet. The toilet will burn the waste down to ash that we will dispose of back at our primary residence. For water we will bring it in by 5-gallon buckets or something along those lines. We would be here a couple nights a month in the warmer months, even though we do plan to insulate it. There will be a loft for sleeping and that’s about it.

Chairman McClernon – As per NYS DEC regulations your property is too small to hunt on. Timothy Hannes – Right. We don’t hunt so that’s not an issue. Chairman McClernon – But there is a lot of good fishing areas around.

Cindy Ruff – So you pretty much answered all of the questions I had on water and the toilet and you will obviously have to take any garbage back with you as well. Please do not leave it along side the road.

Timothy Hannes – No, we would never do that. We will take it with us when we leave.

Cindy Ruff – You mentioned there would be a loft up top for sleeping. How many bedrooms will there be? Timothy Hannes – It will just be an open loft with one bed. Cindy Ruff – Okay.

Chairman McClernon – Did you see the letter from your neighbor, Mr. Wool? Timothy Hannes – No.

Laura Eppers – It was sent in late this afternoon and was just uploaded to the Drive prior to the work session. Timothy Hannes – He did reach out to me and expressed that he was just concerned about the normal stuff, like it being an eyesore. I assured him it's not a DIY job and it is being professionally built.

Paula Kay – How visible will it be from Hilltop Road? Timothy Hannes – It will be placed about 250 feet back from Hilltop Road and there is a rock ledge, so it will not be visible at all. Paula Kay – How about from Mr. Wool's properties? Timothy Hannes – It will be about 93 feet from his property line and it is heavily wooded in between. There are abandoned cars and stuff on that property so it does not look like it is in use or near close to being in use.

Chairman McClernon – And you said there was a rock ledge towards the front of the property? Timothy Hannes – Yes. It made it hard to get a driveway in, but it is nice because we don't see the road at all.

Chairman McClernon – Will the driveway be crushed stone?

Timothy Hannes – The driveway is already in and yes, it is crushed stone. We got the permit for that last year and it was installed May of this year. Now we just come up to visit the garden we planted and have camped a few times.

Sean Walker – What do you do for water for the garden? Timothy Hannes – Previously we hauled water in, but we now have a water catching system that was set up this year. Due to the amount of rain this year, I didn't have to come up every weekend, so that was helpful. Sean Walker – I was just curious how you could maintain a garden without a water source. Cindy Ruff – is there any natural water on the property, like a stream or something? Timothy Hannes – No.

Cindy Ruff – Will you eventually put in a well? Timothy Hannes – That would be ideal, but going off of the quotes I have received, that is not going to happen anytime soon.

Cindy Ruff – So, there will be on there sometime in the future? Timothy Hannes – I'd like to, but I don't think it will ever be plumbed into the house.

Cindy Ruff – So, you will only use it for the garden and to transport to the house? Timothy Hannes – Exactly.

No further questions or comments from the Board.

The meeting was opened up to the public. There was no public in the audience or on Zoom. Chairman McClernon read the written comment receive from Richard Wool, owner of one of the neighboring properties, out loud.

N. Richard Wool email -

[https://docs.google.com/document/d/1t8FSC1GEXHo2hvr6Qa0yvSHX4YkYGvq5?rtpof=true&usp=drive\\_fs](https://docs.google.com/document/d/1t8FSC1GEXHo2hvr6Qa0yvSHX4YkYGvq5?rtpof=true&usp=drive_fs)

A motion to close the public hearing was made by Cindy Ruff and second by John Kelly. All in favor, 0 opposed.

(1) Whether benefit can be achieved by other means feasible to applicant; All voted yes

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

(3) Whether request is substantial; 4 voted yes & 1 voted no (Cindy Ruff)

(4) Whether request will have adverse physical or environmental effects; 4 voted no & 1 voted yes (John Kelly)

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

A motion to approve the requested variance was made by Phyllis Perry and second by Cindy Ruff. All in favor, 0 opposed.

**APPLICANT: DAVID WEINER**

27 Lucky Lake Drive

Rock Hill, NY

S/B/L: 51.A-2-4

Dave Weiner, property owner

Applicant is requesting an Area Variance from §250-21B(4) of the Town of Thompson Zoning Code for (1) Increasing a non-conforming structure which is not permitted (2) One side yard setback from required 20' to proposed 9.3'. Property is located at 27 Lucky Lake Drive Rock Hill, NY. S/B/L: 51.A-2-4. In the Zone: RR-2

Chairman McClernon read the legal notice aloud.

Proof of mailings were received.

David Weiner – I am here tonight looking for approval for a front deck. I bought the house a couple years ago and when it was originally built, it was built close to the neighboring house, which is owned by Tet Tun. I have submitted a letter from Tet and my neighbor on the other side, Rich Benson, stating that they don't have any problem with the deck.

John Kelly – Is it going to be a covered porch? David Weiner – No, just a deck. John Kelly – I was just asking because the survey says porch. David Weiner – I think that's because there is a little pergola there. Cindy Ruff – Okay. So, it won't be an enclosed porch, right? David Weiner – No.

Cindy Ruff – Is there an HOA in Lucky Lake? David Weiner – No.

No further questions or comments from the Board.

The meeting was opened up to the public. There was no public in the audience or on Zoom. Chairman McClernon read the written comments received from both neighbors, Tet Tun and Richard Benson, out loud.

Tet Tun letter -

[https://drive.google.com/open?id=1tK9uwRUkdGoAJzLubssn3ZyvcvdiVsmo&usp=drive\\_fs](https://drive.google.com/open?id=1tK9uwRUkdGoAJzLubssn3ZyvcvdiVsmo&usp=drive_fs)

Richard and Christina Benson letter -

[https://drive.google.com/open?id=1tGj4R\\_BUPjxhAK8Vs5xAktOrEQzGcTAi&usp=drive\\_fs](https://drive.google.com/open?id=1tGj4R_BUPjxhAK8Vs5xAktOrEQzGcTAi&usp=drive_fs)

A motion to close the public hearing was made by John Kelly and second by Sean Walker. All in favor, 0 opposed.

- (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; 4 voted no & 1 voted yes (Richard McClernon)
- (4) Whether request will have adverse physical or environmental effects; All voted no
- (5) Whether alleged difficulty is self-created; 4 voted yes & 1 vote no (Richard McClernon)

A motion to approval all requested variances was made by Sean Walker and second by Cindy Ruff. All in favor, 0 opposed.

**APPLICANT: EXPRESS BSD**

4685 Route 42

Kiamesha Lake, NY

S/B/L: 10.-15-1, 2 & 4

Maria Zeno, project attorney

Joel Kohn, project representative

Applicant is requesting an Area Variance from §250-10 of the Town of Thompson Zoning Code for (1) Retail & Service front yard setback from required 50' to proposed 2.1' (2) Retail & Service front yard setback from required 50' to proposed 11.1' (3) Retail & Service one side yard setback from required 35' to proposed 16.7' (4) Retail & Service increasing a nonconforming which is not permitted (5) Retail & Service lot area from required 40,000 sq. ft. to proposed 25,378 sq. ft. Property is located at 4685 Route 42, Kiamesha Lake, NY. S/B/L: 10.-15-1, 2 & 4. In the Zone: HC-1

Chairman McClernon read legal notice aloud.

Proof of mailings were received.

Maria Zeno – The variances that we are requesting tonight were granted to us over a year ago and expired this past April. We are currently in front of the Planning Board for site plan approval and had a public hearing scheduled when we realized the variances had expired. There has been no change in anything and the variances we are requesting are exactly the same, so we were hoping for approval once again.

Chairman McClernon – When we originally approved these, they were approved contingent on the easement to use the driveway going back into the water plant, has that been obtained? I see there is something in the Planning Board documents, but it is not signed by anybody. Maria Zeno – I believe the title company verified that easement and proved Paula with a copy of everything needed to show the

easement. Joel, can you speak to that because I was not involved with this project at that time? Joel Kohn – Yes, I can. This is actually the letter from the title company. Chairman McClernon – Right, but it is not signed. Joel Kohn – You mean signed by who? Chairman McClernon – The person who wrote the letter. Normally a person will sign an important document. Joel Kohn – This is not a new easement, but it won't be a big deal to get the letter signed. Maria Zeno – We can definitely get that signed and to the Board. Robin is someone we do business with quite often. Paula, are you okay with having this same document signed? Paula Kay – That is just the cover letter so I guess what I would like to see is the back up since it has been a while. I'm sure Robin has it. Joel Kohn – I also have a copy of it. Paula Kay – My thought is that this Board might approve the variances again with the contingency of the easement and the easement is something the Planning Board will probably want to see as well.

Paula Kay - Joel, was there any public at the original public hearing on these variance requests? Joel Kohn – No. Paula Kay – That's what I thought and none of the variances have changed.

Paula Kay – There was a question raised in the work session that maybe the applicant can answer. In 2022 the applicant was Catskill BDS Housing and now it is Express BSD, which is it? Maria Zeno – That is a question I will have to follow up with the owner on. I know when I started to represent Mr. Lowin it was Catskill BSD Housing, so I will discuss with him where Express BSD came from. Chairman McClernon – Okay and all 3 properties are going to be put into the same name so that they can be combined, right? Maria Zeno – Yes.

No further questions or comments from the Board.

The meeting was opened up to the public. There was no public in the audience or on Zoom and no written comment was received.

A motion to close the public hearing was made by Cindy Ruff and second by Phyllis Perry. All in favor, 0 opposed.

- (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; 4 voted no & 1 voted yes (Sean Walker)
- (4) Whether request will have adverse physical or environmental effects; All voted no
- (5) Whether alleged difficulty is self-created; 4 voted yes & 1 voted no (Richard McClernon)

A motion to approve all requested variances, subject to a copy of the easement being supplied to the Town, was made by Phyllis Perry and second by John Kelly. All in favor, 0 opposed.

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

Respectfully submitted,

Laura Eppers  
Secretary  
Town of Thompson Zoning Board of Appeals

DRAFT