

with our application. But if that is something that would be denied, they could move it back. Steve Vegliante – If I recall correctly, I believe the Board was aware that there was stuff in the back of the property that needs to be cleaned up and would take some time, but wanted to see the stuff in the front and in the right of way cleared out. I don't remember if there was a time line for that. Chairman McClernon – It was supposed to be by this meeting. Glenn Smith – Well the right of way runs all the way up to about 8 feet of the garage. Chairman McClernon – Right and all of that stuff was supposed to be cleared out of there but a lot of it has not been. Glenn Smith – pretty much everything from the house down to the shop has been cleared out, he just has to do the right side now. Chairman McClernon – But it was all supposed to be taken care of and the trailer moved back. He could have had all of that stuff cleared out in a couple of days. Glenn Smith – I understand, but want to point out that condition of the property is something the Planning Board would handle and would need to be satisfactory to get site plan approval.

Jay Mendels – Can you just bring us up to speed, is it still being operated as a boat repair yard? Glenn Smith – Yes. The guy who leases it, lives in the house on the property and he repairs boats and motors. Chairman McClernon – Now, does he have a license to do that? Glenn Smith – That I don't know and I don't know if he would need one or not. Chairman McClernon – Jim was telling us to be a repair shop, you are supposed to have a NYS license. Is that correct Jim? Steve Vegliante – We know it's required for automobiles, but we were not sure if it was the same for boats. Jim Carnell – I did call the state DMV and how I understood it, they would technically need one. I didn't get a written response back though. Steve Vegliante – Okay. Jim Carnell – But, one of the things we talked about was whether it was a repair shop or just storage or maybe some kind of salvage yard because we need to know the use. The Town has had quite a long history with this property and they are currently in court. Some of the boats on the property have been there so long that they have trees growing through them. Glenn Smith – One thing the Planning Board asked for was pretty much an itemized list of what will be on the property and where it will be kept before they will grant any site plan approval, so providing we can get our variance from this Board, we would go back to them to present all of that information. Chairman McClernon – I was down there about a week ago as well and it did look like he had a unit in the garage that he was working on. There were tools laying around and his truck was out front. Glenn Smith – Okay. So, we will have to see if a license is required and resolve that is need be.

Jay Mendels – At the last meeting it looks like you talked about asking for two variances, but only one being noticed, is that still the case? Glenn Smith – Yes and in the application and cover letter we do ask for both variances. It is lesser of an ask so I don't know if that may be why it was left off. Jay Mendels – It was my understanding that it was movable so it wouldn't be an issue. Glenn Smith – It is and we can do that. Chairman McClernon – But it is currently still there. Jay Mendels – Okay. The minutes show that it was volunteered to be moved, but I don't see that it was ever specified. Steve Vegliante – Well, if the variance granted is only for the shop building, and the trailer does not get moved, it would become an enforcement action and they would be forced to move it. Jay Mendels – Okay.

Chairman McClernon – How much longer do you think it would take him to clean up and get everything out of the right of way? Glenn Smith – We wanted to put the fence up as soon as possible so that people would have to see the property while he works on cleaning it up, but the Planning Board did not like that idea. Steve Vegliante – Right, the Planning Board felt that the property should be cleaned up first so that

it doesn't just become a barrier to hide the stuff. Jay Mendels – Understandable because we don't want then to simply hide what is there. Glenn Smith – Depending on what this Board does, he wants to go back to the Planning Board to get his approvals there, so they will make sure that everything gets cleaned up. Steve Vegliante – And this Board can make a recommendation to the Planning Board. Chairman McClernon – A lot of times our notes don't get back to them. Steve Vegliante – Jim or I will make sure they get them.

Cindy Ruff – Do all of the boats on the property run? Glen Smith – No, some of them are very old and like Jim said, have tress growing through them. Cindy Ruff – Do they use those boats for parts? Glenn Snith – They may very well, but I am not sure. Cindy Ruff – Okay. That's all I wanted to know for the record.

Phyllis Perry - I think part of the problem for me is that over the years you can see the stuff on the property grow and sprawl out and get gradually worse. I am concerned that the stuff will just get moved from one spot on the property to another and not actually get cleaned up. Glenn Smith – That is something the Planning Board also said and were concerned that stuff would just be moved to the back. Jay Mendels – So how do we account for that in our approval? Chairman McClernon – I see how we could. Steve Vegliante – You could at least make it a condition of the approve that the 40 foot right of way be maintained and free of debris. But remember it is not really this Boards function to do that as much as it would be an enforcement issue, as well as the use the property is operated as. Jim Carnell – I can add that there was a brief discussion in court that if there was to be any kind of a settlement or if this was to go to trial, any conditions that this Board and/or the Planning Board have would be part of any stipulation they may have. And if they are not met for any reason, the court would be able to enforce them. Steve Vegliante – My suggestion to the Board would be to treat the variance as its own merit and certainly let your views be known to the Planning Board, who I can assure you has the same feelings about the property being cleaned up prior to any approvals from them. You have discussed it, so it is part of the record, but the variance should stand on its own. Jay Mendels – Okay, but being the variance is only for the building 8 feet away from the property line, can we make it a condition that the trailer be moved back? Steve Vegliante – You can grant the variance for the building only. That way it would be specific to that building, making the trailer in violation if not moved.

No further questions or comments from the Board.

- (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; 3 voted yes and 2 voted no once cleaned up (Cindy Ruff/Phyllis Perry)
- (3) Whether request is substantial; All 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 to approve the variance as requested, for the garage building only and subject to keeping the right of way clear, was made by Jay Mendels and was second by Phyllis Perry.

All in favor, 0 opposed.

APPLICANT: DANIEL VAUGHAN

20 Canal Road
Rock Hill, NY
S/B/L: 66.-5-1

Applicant is requesting an Area Variance from §250-9 & 21B(4) of the Town of Thompson Zoning Code for (1) Front yard setback from required 50' to proposed 49.2' (2) One side yard setback from required 20' to proposed 14.9' (3) Increasing a non-conforming structure – not permitted (4) Percent of lot coverage from required 10% to proposed 14.9% (updated) (5) Rear yard setback from the requested 50' to the proposed 47.2' (new). Property is located at 20 Canal Road, Rock Hill, NY. S/B/L: 66.-5-1. In the Zone: RR-2

Chairman McClernon read the legal notice aloud.

This project was held open from last month, however, the variance requests changed since then and a new legal notice was circulated.

Proof of mailings were received.

HOA approval was received.

Chairman McClernon – We did receive a letter today from Wolf Lake saying it looks like everything is ready to go on their half. Daniel Vaughan – Yes. Chairman McClernon – And I see you chose to move the shed and add the 3 feet onto the garage. Daniel Vaughan – Yes. Chairman McClernon – Okay.

No questions or comments from the Board at this time.

The meeting was opened up to the public for comment. No public comment for this application.

Motion to close the public hearing was made by Jay Mendels and second by Cindy Ruff.
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; All voted no
- (4) Whether request will have adverse physical or environmental effects; All voted no
- (5) Whether alleged difficulty is self-created; 1 voted yes (Cindy Ruff) and 4 voted no

A motion to approve all variances as requested was made by Phyllis Perry and second by Cindy Ruff.

All in favor, 0 opposed.

APPLICANT: ALEJANDRO REY

139 Lake Shore Drive E
Rock Hill, NY
S/B/L: 52.R-3-3.1

Applicant is requesting an Area Variance from §250-16A(2) of the Town of Thompson Zoning Code for (1) Accessory building setback from required 10' to proposed 0' (2) Accessory building setback from required 10' to proposed 7'. Property is located at 139 Lake Shore Drive E, NY. S/B/L: 52.R-3-3.1. In the Zone: SR with Central W/S

Chairman McClernon read legal notice aloud.

Proof of mailings were received.

Chairman McClernon – Just explain to the Board why you are looking to put the shed so far back.
Alejandro Rey – There is not enough room between the house and the shed if I move it forward, so either way it would need a variance. I think it is better and won't be seen as much if it is further back, so I went that direction. And if I do put it back there, it will be in line with everyone else.

Jay Mendels – Are those other sheds on the properties opposite the side your shed will be on? Alejandro Rey – Yes, but there is a vacant lot in between. Jay Mendels – And I would like to note that empty lot has very limited room and there is probably not enough space to build a house on. So, it shouldn't cause any issues in the future.

Jay Mendels – Also, I understand that you want to keep it as far away from the house as possible for egress reasons, but there are always discrepancies with property lines, so I would advise that you come in a foot or two from the property line. That way if it changes in the future, the shed won't possibly be built over the line. Alejandro Rey – The survey was done recently, but I understand and that's not a problem.

Jay Mendels – Did we get approval from the HOA? Chairman McClernon – I don't think so. Jim Carnell – Do you have a copy of their approval? Alejandro Rey – No. Michael Hoyt told me he was going to take care of it, but did not give me anything. Jim Carnell – I did have a conversation with him and he said everything was okay, but we would just need that in writing. Alejandro Rey – Okay.

No further questions or comments from the Board.

The meeting was opened up to the public for comment. No public comment for this application.

A motion to close the public hearing was made by Cindy Ruff and second by Jay Mendels.

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; All voted yes

A motion to approve the requested variances, with the 0' foot request being changed to 1' and subject to written HOA approval, was made by Jay Mendels and second by Sean Walker.
All in favor, 0 opposed.

APPLICANT: 97 HILLTOP LLC

97 Hilltop Road
Monticello, NY
S/B/L: 27.-1-16.2
Christopher Monti, Property owner

Applicant is requesting an Area Variance from §250-16B of the Town of Thompson Zoning Code for (1) Accessory building closer to the road than the main building – not permitted. Property is located at 97 Hilltop Road, Monticello, NY. S/B/L: 27.-1-16.2. In the Zone: RR-2

Chairman McClernon read the legal notice aloud.

Proof of mailings were received.

Chairman McClernon – Just explain to the board how this building got to be there. Christopher Monti – Sure. This is a faith-based home for young men who are studying for priesthood and we wanted to get an Amish built shed for the garden. The women who sold us the shed id located in Bethel and incorrectly told us that we wouldn't need to get a permit for the shed. So, we went ahead and bought the shed and put in on the property. Then when Brian from the building department came to do some inspections on some other work we have going on, he told us that the shed was a problem. The problem being that it is closer to the street then then house is. So, I am here tonight in mercy of the Board to ask to keep it where it is now because it is big and on a bed of crushed rock, so it would be incredibly hard to move it.

Jay Mendels – How far is it from the road? Christopher Monti – I would say about 20 yards or so. Steve Vegliante – Just judging from the site plan, it looks like it is about 200 feet away. Christopher Monti – And about 50 yards from the house. It is a big piece of property.

Jim Carnell – Just for some clarification for the Board. Some shed companies do say that permits are not required because they are not if the shed in 144 sq. ft. or less. Jay Mendels – But this is bigger than that, right? Christopher Monti – Yes, it is pretty big. Also, the company is in the Town of Bethel, so maybe their code is different.

No further questions or comments from the Board.

The meeting was opened up to the public for comment. No public comment for this application.

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

(1) Whether benefit can be achieved by other means feasible to applicant; 2 voted no (Cindy Ruff & Jay Mendels) and 3 voted yes

(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 effect; All voted no

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

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

APPLICANT: LYN ANN WESSELS

220 North Shore Road

Rock Hill, NY

S/B/L: 38.-3-13

Tim Gottlieb, Project representative

Applicant is requesting an Area Variance from §250-8 and 9 of the Town of Thompson Zoning Code for (1) Front yard setback from required 50' to the proposed 47.5' (2) One side yard setback from required 20' to proposed 2.7' (3) One side yard setback from required 20' to proposed 13' (4) Combined side yard setback from required 50' to proposed 15.7' (5) Percent of lot coverage from required 10% to proposed 30%. Property is located at 220 North Shore Road, Rock Hill, NY. S/B/L: 38.-3-13. In the Zone: RR-1

Chairman McClernon read the legal notice aloud.

Proof of mailings were received.

HOA approval was received.

Tim Gottlieb – This is a tear down, re-build and this is a tight lot, like all the other lots in this community, so some variances are required. However, I did notice a typo on the legal notice for the front yard setback, it should be 48', not 47.5'. Chairman McClernon – Okay. It is not more than what was noticed, so it should be okay. You are decreasing the request, not increasing it. We can approve it as requested and you will have a ½ a foot to play with. Tim Gottlieb – Okay, then that's pretty much it.

Jay Mendels – I think we all realize the restriction you have to work with on these lake community lots, and this one may be even smaller than others we have seen, but a concern we had here was the 30% lot coverage. That is a lot of coverage for a small parcel. It is a small parcel, but we don't want to see if necessarily over-built. Can you tell us a reason for not doing a second story or a partial second story? Like some of the neighbors have done. Tim Gottlieb – I can't answer that because I was not involved in

the design of the building, but I think Lynn is on Zoom. I don't know if she can speak or not. Jim Carnell – That is entirely up to the Board.

The Board agreed to allow Lyn Wessels to join the meeting via Zoom.

Lyn Wessels – There is a second story proposed. Jay Mendels – Oh, okay. Lyn Wessels – It is not presently 2-stories, but we are looking to build a second story. Jay Mendels – Okay. I thought you were just getting wider and did not realize you are also building up. Lyn Wessels – The new layout is actually thinner. Jim Carnell – It is width is smaller, but the length almost doubles in size. Chairman McClernon – Also, the second story is not included in the lot coverage. It is only the footprint of the building. Jay Mendels – Okay. I was hoping that would be a way to save on lot coverage, but it is not. Dana Heimbach – Does the HOA have an issue with it? Tim Gottlieb – I don't believe so. Chairman McClernon – We didn't receive anything from Wanaksink. Jim Carnell – We received an email late this afternoon. I forwarded it to Laura, but it might no be on the Drive yet. Chairman McClernon – It is on the Drive now.

Chairman McClernon read the HOA approval letter aloud. See below link to said letter:
https://drive.google.com/open?id=1lvltP1gIUkEff_xuAw1SPVs8rgUfDS-P&usp=drive_fs

Phyllis Perry – Will you be keeping the garage? Tim Gottlieb – Yes.

Jim Carnell – Since they are increasing the overall size of the structure, is it going to be necessary to make any improvements to the septic system? Tim Gottlieb – No. Jim Carnell – Will it be replaced? Tim Gottlieb – Yes. Jim Carnell – And I am assuming those plans are done already? Tim Gottlieb – Yes. Cindy Ruff – So, this is not Town sewer? Jim Carnell – No.

No further questions or comments from the Board.

The meeting was opened up to the public for comment. No public comment for this application.

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

(1) Whether benefit can be achieved by other means feasible to applicant; 3 voted yes, 2 no (Phyllis Perry/Sean Walker)

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

(3) Whether request is substantial; All voted yes

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

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

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

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

Respectfully submitted,

Laura Eppers
Secretary
Town of Thompson Zoning Board of Appeals

DRAFT