

**TOWN OF THOMPSON
ZONING BOARD OF APPEALS
June 10, 2014**

IN ATTENDANCE:

Chairperson James Carnell	Richard Benson
Richard McClemon	Pamela Zaitchick
Robert Hoose	Jose DeJesus, Alternate
Brian Soller, Alternate	Paula Elaine Kay, Attorney
Logan Ottino, Building Inspector	
Scott Mace, Town Board Liaison	

Chairman James Carnell called the meeting to order at 7:00 p.m. with the pledge to the Flag.

Chairman Carnell asked for a motion to accept May 13, 2014 meeting minutes. A motion to accept the minutes was made by Bob Hoose and seconded by Richard McClemon
5 in favor, 0 opposed

Chairman Carnell further asked for a motion to take the Stevens application out of the order of the agenda was made by Robert Hoose and seconded by Richard Benson
5 in favor, 0 opposed

ANNE STEVENS - 149 WINSTON DRIVE - S/B/L: 47-1-5

Mrs. Anne Stevens

Chairman Carnell read the Public Notice.

Mailings will be provided by applicants.

Mrs. Stevens advised the Board that the shed in question was never relocated and they recently found out it has been there since 1900. The only improvements they have made to the shed are they sided and added a window to the shed.

The Board members had no comment.

There was no public comment.

- (1) Can the benefit sought by the applicant can be achieved by some method which will be feasible for the applicant to pursue but would not require a variance? All voted No.
- (2) Will an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance? All voted No.

(3) Is the requested area variance substantial? All voted No.

(4) Will the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? All voted No.

(5) Is the alleged difficulty self-created? All voted No.

A negative declaration motion was made by Robert Hoose and seconded by Richard McClermon.

5 in favor; 0 opposed.

Chairman Carnell requested that a motion be made to approve the variance as requested and a motion was made by Richard McClermon and seconded by Robert Hoose.

5 in favor; 0 opposed.

K&S OF SULLIVAN COUNTY REALTY CORP.

361 GLEN WILD ROAD - S/B/L: 25-1-7

M. Grant Decker, L.S. and Kenneth Presti

A motion to re-open the hearing from the May 13, 2014 meeting was made by Richard Benson and seconded by Pamela Zaitchick.

5 in favor; 0 opposed

Chairman Carnell re-read the Public Notice.

Proof of mailing was previously provided to the secretary.

Chairman Carnell advised the applicant that he spoke to Attorney Paula Kay at length concerning this application. Since the premises was continually used as an auction house, less a few months when they relocated after the fire, an area variance can be applied for versus a use variance. Therefore, the Public Notice did not change and the applicant did not need to re-mail the notices to interested parties.

Grant Decker advised the Board that the new proposed building will be smaller than the original building which burned down.

Chairman Carnell noted that 239 Review from the County of Sullivan was not received; however, the Planning Board will be reviewing this project and will declare themselves as Lead Agents, so they can review the same.

The Board members had no further comment.

There was no public comment.

- (1) Can the benefit sought by the applicant can be achieved by some method which will be feasible for the applicant to pursue but would not require a variance? All voted No.
- (2) Will an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance? All voted No, since it is an existing business
- (3) Is the requested area variance substantial? All voted No.
- (4) Will the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? All voted No.
- (5) Is the alleged difficulty self-created? All voted No, since the difficulty was caused by the fire at the subject premises.

Chairman Carnell requested that a motion to approve the variance be made and a motion was made by Robert Hoose and seconded by Richard Benson.
5 in favor; 0 opposed.

MONTY ALPHA LLC - BRIDGEVILLE ROAD - S/B/L: 31-1-23.2

Applicant's agent advised the Secretary that he had not sent the Notices within the required time frame. This application will be re-noticed and placed on the July 2014 agenda.

BESSER - 58 CRESCENT CIRCLE - S/B/L: 54-3-26

Mr. Joseph Henle, agent of applicant

Chairman Carnell and Jose DeJesus recused themselves from reviewing this application. Chairman Carnell named Richard Benson as Acting Chairman. Acting Chairman Benson appointed Brian Soller as a full member for this application.

Notice was re-read by Acting Chairperson Benson.

Mailings were previously provided by applicant.

Mr. Henle advised the Board that Mr. and Mrs. Besser did comply with the directives of the Building Department. Logan Ottino read the Building Department's March 24, 2014 letter to the applicants which listed the issues that needed to be addressed by the applicants. A copy of

the March 24, 2014 letter is annexed hereto and made a part hereof. Ms. Ottino further confirmed that all of the issues contained in the March 24, 2014 letter were addressed by the applicants satisfactorily.

Attorney Paula Kay advised that at the last public hearing, the neighbors, Jerry and Amy Leitman appeared; they also provided an additional letter dated June 10, 2014 for tonight's meeting. There is a comment at the end of Mr. and Mrs. Leitman's June 10, 2014 letter to the Board that the Besser's deck protrudes onto the Leitman's property. Mr. Henle noted that the Leitman's deck is higher than the Besser's deck. Attorney Paula Kay asked Logan Ottino to please confirm that no aspect of the Besser's deck protrudes onto the Leitman's property. Logan Ottino confirmed that the deck does not protrude onto the Leitman's property.

Amy Leitman advised that she and her husband were told at the last meeting that the stairs on the deck were illegal and they are still there. Where the Besser's deck wraps around on our side, the steps block our view. Logan Ottino advised Mrs. Leitman that the stairs are legal. Richard McClemon asked if the railings were the issue and Ms. Ottino advised that they were an issue and it was addressed by the applicant. Robert Hoose asked Mrs. Leitman if her view is the issue and Mrs. Leitman advised it was and the deck does obstruct her view. Mr. Hoose noted that the Leitman's view is not obstructed and they have a very nice view from their deck. Mrs. Leitman says everyone's deck in the community is the same (on the back of the home) except for the Besser's deck which is on the back of the home, but also on the side. Acting Chairman Benson advised Mrs. Leitman that the Building Department has confirmed that there are no issues or violations.

There was no further public comment.

The Board members had no comment.

- (1) Can the benefit sought by the applicant can be achieved by some method which will be feasible for the applicant to pursue but would not require a variance? All voted No.
- (2) Will an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance? All voted No.
- (3) Is the requested area variance substantial? All voted No.
- (4) Will the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? All voted No.
- (5) Is the alleged difficulty self-created? All voted Yes.

A negative declaration motion was made by Robert Hoose and seconded by Brian Soller. 5 in favor; 0 opposed.

Acting Chairman Benson requested that a motion to approve the variance be made. A motion was made by Brian Soller and seconded by Richard McClernon. 5 in favor; 0 opposed.

Chairman Carnell further asked for a motion to take the Betesh application out of the order of the agenda was made by Robert Hoose and seconded by Richard McClernon 5 in favor, 0 opposed

GABRIEL BETESH - 147 Harris Road - S/B/L: 4-1-85.3

Josh Evans from Al Adler, PE

Chairman Carnell read the Public Notice.

Mailings were provided to the Secretary.

A neighbor, Jan Mach advised the Board that he has no problem with the application. However, he wants the Board to know that there are twelve cars on the lot; it is almost like a body shop. Chairman Carnell asked if any Board member saw the issue and no Board member had. Logan Ottino advised that they have had issues in the past, but the cars are all registered and in working order. Mr. Mach further advised that there are tires, garbage, etc. on the property and he would like to see them to clean up the property. Robert Hoose advised that the Board can make the decision conditional on the applicant cleaning up the property. Ms. Ottino advised that she previously did an inspection in October 2013 and she will go back.

Chairman Carnell asked Attorney Paula Kay if it is okay to make the determination subject to cleaning up the property and Attorney Paula Kay said it was, especially since the Building Department would be going out to inspect the property. Mr. Evans advised the Board that he will ask applicant to address the issues.

There was no further public comment.

The Board members had no comment.

- (1) Can the benefit sought by the applicant can be achieved by some method which will be feasible for the applicant to pursue but would not require a variance? All voted No.
- (2) Will an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance? All voted No.
- (3) Is the requested area variance substantial? All voted No.

(4) Will the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? All voted No.

(5) Is the alleged difficulty self-created? All voted Yes.

Chairman Carnell requested that a motion be made to approve the variance with condition that the Building Department perform a site inspection and if they find no violations, the variance will be granted. A motion was made by Richard Benson and seconded by Richard McClernon. 5 in favor; 0 opposed.

MOONLIGHT COTTAGES - 58 RUBIN ROAD - S/B/L: 43-1-23.3

Baruch Mandelbaum - Unit 30

Michael Rapfogel - Unit 31

Norman Last - Unit 49

Sara Zoldan - Unit 57

Josh Evans from Al Adler, PE

Chairman Carnell advised that all of the Moonlight applications are asking for separation distance and increasing a non-conforming structure, but the sections noted on the application and Public Notices are wrong. The Notices will have to be revised, published and mailed again. Mr. Evans advised that he did not mail the Notices for tonight's hearing, as he did not know they were sent to him by the Secretary.

Attorney Paula Kay confirmed with Mr. Evans that for these applications, the two sections that must be noted are §250-21(b)(4) [increasing the structure] and §250(34)(d)(6) [building separation]. Logan Ottino advised the Board that the structures are not conforming, but they are permitted in the Zone.

Logan Ottino further advised Mr. Evans that Units 30 and 31 will require full foundations and she wants to be sure his clients are aware of that. Mr. Evans advised that he is not sure they know they have to do that, but that is how his office plans on building them.

Attorney Paula Kay asked Mr. Evans to please give everyone corrected page one of each application to reflect the correct sections.

Pamela Zaitchick had a question about the Last application (Unit 49) and the narrative that it would not affect the adjoining Unit 48. Mr. Evans presented the site plan to the Board and showed where the various additions would be placed. Ms. Zaitchick had questions about placement of the additions and Mr. Evans showed her where they would be located on the plan. Ms. Zaitchick asked about the large trees which appear to be very close to the additions. Mr. Evans said that he believes that the trees will not be removed for religious purpose and that

decks will be built around the trees.

A motion to end the meeting at 7:30 p.m. was made by Richard McClermon and seconded by Robert Hoose.

5 in favor; 0 opposed.

Respectfully submitted,


Kathleen Brawley, Secretary
Town of Thompson Zoning Board of Appeals