

APPROVED

**TOWN OF THOMPSON
ZONING BOARD OF APPEALS
Tuesday, January 13, 2015**

IN ATTENDANCE: Chairperson James Carnell Richard McClermon
Brian Soller, Alternate Paula Elaine Kay, Attorney
Kathleen Brawley, Secretary
Eric Horton, Building Inspector

ABSENT: Richard Benson, Pamela Zaitchick, Robert Hoose and Jose DeJesus, Alternate

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

Chairman Carnell appointed Brian Soller as a voting member for the meeting.

One correction was noted in the meeting minutes: on page 2, third paragraph, it notes that James Barnicle was present, but it was James Carnell. Chairman Carnell asked for a motion to accept the November 11, 2014 meeting minutes as amended and a motion was made by Brian Soller and seconded by Richard McClermon.

3 in favor, 0 opposed

GLENN L. SMITH and PATRICIA A. SMITH
11 Blue Spruce Lane, Monticello, NY - Section 18 Block 1 Lot 30.2
Glenn Smith, P.E.

Proof of mailing was provided to the secretary.

Mr. Smith explained the purpose of his application.

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 Yes.

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Chairman Carnell requested that a motion be made to approve the variance as requested. A motion was made by Richard McClermon and seconded by Brian Soller. 3 in favor; 0 opposed.

MAYER GELBART and MAYA GELBART
368 Fraser Road, Monticello, NY- Section 10 Block 8 Lot 8.2
Tim Gottlieb, P.E.

Chairman Carnell read the Public Notice.

Proof of mailing was provided to the secretary.

Chairman Carnell noted that the Building Department does not have plans submitted for this application and asked Mr. Gottlieb if this is an extension or an addition to an existing bedroom. Mr. Gottlieb advised that it is an extension to an existing bedroom. Attorney Paula Kay advised that this is what the Planning Board minutes reflect as well.

Chairman Carnell asked if there is an existing bedroom, why can't the applicants do something where the existing deck is in order to reduce the setback issues? The shed and building already have substantially less than the required setbacks.

Attorney Paula Kay asked Eric Horton if there is a building permit for the shed and after reviewing the file, Mr. Horton confirmed there was. He further noted that the shed was on the site plan submitted in 1985, however, the dimensions of the shed were not noted at that time.

Richard McClermon recommended moving the proposed addition. If the addition is constructed as proposed, if there was ever a need for emergency vehicles, it is substantially reducing the area for those vehicles to gain access. Chairman Carnell agreed that the applicants need to keep access to the structure. Brian Soller noted that there are other options rather than constructing out of the side of the building. They have plenty of space.

The Board received a letter from a neighbor, Mr. Cenovic which Chairman Carnell read at the hearing. Attorney Paula Kay noted that Mr. Cenovic was noticed, but does not appear to be an immediate neighbor to the subject premises.

The Board discussed acting on the application tonight so that Mr. Gottlieb has direction to speak with his client and have time to modify the plan or comply and then go back to the Planning Board. However, after further discussion, Chairman Carnell advised that the Board wanted to avoid having to have Mr. Gottlieb re-notice

A motion to close the hearing and move to February 2015 meeting was made by Richard McClernon and seconded by Brian Soller.

3 in favor; 0 opposed.

GARDEN HILL ESTATES LLC

50 Strong Road, Monticello, NY 12701 - Section 1 Block 1 Lot 12

Abe Berkovic

Chairman Carnell read the Public Notice.

Proof of mailing was provided to the secretary.

The Board noted that the application was incorrect, but the Public Notice was correct. Attorney Paula Kay had Mr. Berkovic initial and change the submitted application.

Chairman Carnell advised Mr. Berkovic that one of the Board's concerns is the Notice. There are several units which require variances which need to be identified in the public notice together with the specific distances between each unit. The original application is too general and broad.

Attorney Paula Kay advised that all of the variances requested can go on one notice. The Board needs to know what units are being affected and by how much. The Board believes that some units need larger variances than what is contained in the engineer's letter submitted with the application. Attorney Paula Kay explained to Mr. Berkovic that the Board wants to see a list of each unit with each requested variance.

Mr. Berkovic showed the plan to the Board and discussed the affected units in depth.

Chairman Carnell noted that the site plan lists the proposed variances and affected units well, but the application is not clear.

Richard McClernon advised that the distance between unit 10 and the sewerage area is not listed. Mr. Berkovic advised that it is approximate and that they are not touching that area. Mr. McClernon wants to know where sewer lines are and provided photos to the Board which show sewer lines behind units. Attorney Paula Kay advised that the Planning Board will have to address those issues.

Mr. Berkovic noted that the front replacement on unit 24 is basically a 100% front yard setback and asked if he needs a variance for that as well. Chairman Carnell confirmed that he did need a variance for Unit 24 because the requirement is 100 feet and the proposed building will be at 76 feet. Mr. Berkovic asked if the variance was required even though he is replacing

an existing unit and Chairman Carnell confirmed he did because it is not the same footprint.

The Board discussed other areas of concern on the site plan with Mr. Berkovic and Eric Horton.

Mr. Berkovic noted that he will go more in depth with the Planning Board. Some of these extensions will just be decks, some will be rooms. Through the years, people made different changes to their units. The Building Department suggested that he come to the Planning Board for all of the proposed additions, although not everyone is going to construct the same. This is to avoid everyone coming in piecemeal to get variances and avoid confusion. Chairman Carnell reminded Mr. Berkovic that variances are only good for six months; however, an extension can be had for an additional six months.

Mr. Berkovic asked what would happen if they receive Planning Board approval? Attorney Paula Kay advised that the plan can be approved and the timing of the same would normally run after the Board acts. There is only one extension permitted if there is no activity. The variances will have to be granted separately. Whichever variances the Board grants tonight, if you do not apply for a building permit for them, they will expire. So those people who are not planning on building for a while, should make sure that their units comply with zoning and not ask for a variance because they will have to come back before this Board.

Mr. Berkovic believes that once we receive approvals, unit owners will all start building.

Attorney Paula Kay reminded Mr. Berkovic to keep an eye on the time frame. Mr. Berkovic asked if the time frae could be any longer and Chairman Carnell advised it cannot, as it is New York State statute. When you come before the Board next month, you can note the changes as proposed on the site plan and you can exclude the ones who are not building as well.

There was no public comment.

The applicant will have to re-notice and therefore, the hearing was not held open.

ARTHUR SWAINE, JR.

115 Starlight Drive, Monticello, NY 12701 - Section 57 Block 2 Lot 10

Arthur Swaine

Chairman Carnell read the Public Notice.

Proof of mailing was provided to the secretary.

The application was amended by applicant to reflect it was an Area Variance and not a Use Variance. Discussion was had concerning the scope of building. The Board 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. He is improving the setbacks.
- (5) Is the alleged difficulty self-created? All voted Yes.

A motion to approve the variances as requested was made by Richard McClernon Brian Soller and seconded by .
3 in favor; 0 opposed.

After the meeting, Mr. Depski came forward to say that he never got the chance to speak concerning one of the applicants this evening. The Board explained to Mr. Depski that the public was provided with an opportunity to speak at every public hearing, but that no one came forward this evening. After further discussion, the Board learned that Mr. Depski is not an adjoiner, was not provided notice for any application before the Board tonight and that he had the wrong location.

A motion to end the meeting at 7:34 p.m. was made by Richard McClernon and seconded by Brian Soller.
3 in favor; 0 opposed.

Respectfully submitted,


Kathleen Brawley, Secretary
Town of Thompson Zoning Board of Appeals