

APPROVED

**TOWN OF THOMPSON
ZONING BOARD OF APPEALS
Tuesday, April 14, 2015**

IN ATTENDANCE: Chairperson James Carnell Richard McClemon
Richard Benson Robert Hoose
Pamela Zaitchick Brian Soller, Alternate
Kathleen Brawley, Secretary Logan Morey, Building Dept.
Paula Elaine Kay, Attorney

ABSENT: Jose DeJesus, Alternate

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

A motion to accept the March 10, 2015 meeting minutes was made by Richard McClemon and seconded by Pamela Zaitchick.

3 in favor, 0 opposed

**CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS
and BROOKWOOD GUNNERS AND ANGLERS ASSOCIATION**

Rock Hill Drive, Rock Hill, NY 12775 - S/B/L: 32-1-1

Scott Olsen, Esq.

Chairman Carnell read the Public Notice.

Proof of mailing was provided to the secretary.

Mr. Olson advised that his client is looking to put antennas and equipment on a 100 foot existing cellular tower. We examined the tower to see if we could use next available height on the tower of 70 feet, but it is pretty low, in the trees and insufficient. Radio signals do not go through trees. Our application shows on Exhibit 4 what the service would look like at the 70 foot level. This does not mean no service, just poor service and not strong enough to accommodate all of the users. Our Engineer looked and said we can use the existing tower, but we need to raise it up an additional twenty feet, which once built, will cover more of Route 17, the Rock Hill Ambulance Building and the Rock Hill Drive business district. This existing site is perfect to cover the gap between Monticello and Rock Hill. However, because the tower height is increasing, the reduced setbacks need to be approved. We do not think that the variance requested is significant. All existing trees will be left alone.

Pamela Zaitchick asked if this was the tower you can see from the highway and Mr. Olson confirmed that it was. Mr. Scott further advised that unfortunately, this is a line of sight structure. At the top of the tower, it is only three to four feet wide. Chairman Carnell advised

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that he felt the setbacks were not significant and the applicant is using an existing tower. Mr. Olson advised that his client does not want to build another tower and the Town doesn't want another tower.

The Board members had no further comment.

Public comment: James Contrys stated that it will be nice to have cellular service in Rock Hill, as he runs a towing business and cannot use his phone there.

- (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 motion to approve the variances from §250-9, §250-70(b) and the Schedule of District Regulations for the RR-2 Zone of the Town of Thompson Zoning Code permitting a reduced side yard setback from the required 170 feet (with tower extension of 20 feet) to 161 feet and permitting a reduced front yard setback from the required 170 feet (with tower extension of 20 feet) to 151 feet was made by Richard Benson and seconded by Richard McClernon 5 in favor; 0 opposed.

CHRISTOPHER AND SUSAN BEATRICE
105 Canal Road, Wurtsboro, NY 12790 - S/B/L:66-15-9
Tim Gottlieb, P.E.

Chairman Carnell read the Public Notice.

Proof of mailing was provided to the secretary.

Chairman Carnell advised that it appears that there is an existing structure which is being demolished and removed. Is the front actually what is existing? Mr. Gottlieb confirmed it was and that the lot size is existing as well. Chairman Carnell asked if the applicants are decreasing the rear yard setback due to the construction of home and Mr. Gottlieb confirmed they were. Chairman Carnell also asked if the premises is currently one lot on the deed and Mr. Gottlieb confirmed it was. Chairman Carnell noted that the reason he was asking is that the Town's zoning code/subdivision law provides that if a lot is intersected by a public road or right-of-way, it is subdivided. The Board's decision will be conditioned upon the split lot remaining

with one owner.

Correspondence from the Wolf Lake HOA consenting to the relief sought was received by the Board.

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, especially with setbacks existing
- (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 motion to approve the variances requested from §250-9 of the Town of Thompson Zoning Code for the purpose of 1) permitting a reduced front yard setback from the required 50 feet to 23.5 feet; and 2) permitting a reduced rear yard setback from the required 50 feet to 21.6 feet together with the variance from §250-19A(2) of the Town of Thompson Zoning Code for the purpose of reducing the minimum lot size from the required 40,000 square feet to 7,405.2 feet was made by Pamela Zaitchick and seconded by Robert Hoose.
5 in favor; 0 opposed.

GARDEN HILL ESTATES LLC
50 Strong Road, Monticello, NY 12701 - S/B/L:1-1-12
Abe Berkovic

Chairman Carnell read the public notice.

Proof of mailing was provided to the secretary.

Chairman Carnell confirmed that notice was corrected and map was corrected to reflect actual variances granted.

The Board had no comments.

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.

A motion to approve the area variances requested from §250-34(d)(6) of the Town of Thompson Zoning Code permitting a reduced separation distance between Units 24 and 25 from the permitted 25 feet to 12.2 feet was made by Robert Hoose and seconded by Richard Benson.

5 in favor; 0 opposed.

JACOB AND SEEMA GOLDSTEIN

9 Sam Lane, Monticello, NY 12701 - S/B/L: 46-3-1.2

Allen Frishman and Jacob Goldstein

Chairman Carnell read public notice.

Proof of mailing was provided to the secretary.

Chairman Carnell advised that one of the issues the Board discussed was that there is a municipal sewer line on the property. Mr. Goldstein confirmed it was right in front of the house. Chairman Carnell asked if a gravity line runs parallel from the lake and Mr. Goldstein confirmed it did. Mr. Goldstein showed where the line was located on the map from the manhole. Chairman Carnell asked if construction would affect the sewer line and Mr. Goldstein advised it would not, as it is going the opposite direction.

Correspondence was received by the Board from Deborah Dorenfast, a neighbor to the project. Chairman Carnell read the letter for the public. Mr. Frishman confirmed he has received the letter. Mr. Goldstein advised that this neighbor is not familiar with this application. He showed where this neighbor's home is located in relation to his home. Ms. Dorenfast cannot see his home. She is on the lake and Mr. Goldstein's home faces the lake, but they are building toward the road, not the lake. The applicants did not respond to her email. Mr. Frishman advised that he tried to reach Ms. Dorenfast and did not get a voice mail. Attorney Paula Kay advised that the Board still needs for the applicant to respond to Ms. Dorenfast to advise her what happened and that the Board should be copied on any response. Mr. Goldstein confirmed that she cannot see his house from the lake.

The board members had no further comments.

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.

A motion to approve the area variances from §250-21B(4) of the Town of Thompson Zoning Code to increase a non-conforming structure; §250-7 of the Town of Thompson Zoning Code permitting a reduced front yard setback from the required 40 feet to 29.5 feet; and §250-7 of the Town of Thompson Zoning Code permitting a reduced rear yard setback from the required 40 feet to 33.4 feet was made by Richard McClernon and seconded by Robert Hoose. 5 in favor; 0 opposed.

MENACHEM BRAYER

4 Lee Lane, Monticello, NY 12701 - S/B/L:45-4-2

Allen Frishman

Chairman Carnell read public notice.

Proof of mailing was provided to the secretary.

Chairman Carnell noted that the Board previously granted variances to this applicant. Mr. Frishman confirmed the same and noted that the variance was granted at 5 feet, but ended up at 4.1 feet per a survey. The original contractor did this and they are not sure how. Mr. Frishman thought the contractor might have been trying to keep one side flush and that's how he ended up with 4.1 feet. The Board discussed the prior variance approved. Logan Morey advised that the square footage is staying the same, but the configuration is different and that lot coverage is okay.

After discussion, it was learned that this matter needs to be forwarded to the Sullivan County Planning Department for review under §239 of the General Municipal Law.

Correspondence was received from a neighbor, Walter V. Jones. Chairman Carnell read the correspondence for the public. Mr. Frishman advised that after reviewing the correspondence, he believes Mr. Jones thought the applicants were moving closer to the road. Mr. Frishman also tried to contact Mr. Jones with no success. After discussion, the Board felt Mr. Jones was

confused and thinks there will be new construction.

Mrs. Goldstein advised that Mr. Jones has not been living there for more than three years. He probably does not know that it is a new home. Mr. Jones' home has a "for sale" sign and is technically abandoned.

- (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 motion to approve the area variance from from §250-7 of the Town of Thompson Zoning Code to permit a reduced front yard setback from the required 40 feet to 4.1 feet and permitting a reduced side yard setback from the required 15 feet to 11.3 feet, subject to the favorable review of the Sullivan County Planning Department, was made by Robert Hoose and seconded by Richard McClermon.

5 in favor; 0 opposed.

MELANIE CONTRYS

Foss Road, Monticello, NY 12701 - S/B/L: 24-1-29.1

Jim and Melanie Contrys

Chairman Carnell read public notice.

Proof of mailing was provided to the secretary.

Chairman Carnell advised that the Board is familiar with the subject property. Route 17 raised the height of the road which changed the views of Mr. Contry's home significantly. Logan Morey discussed Building Department issues with Mr. Contrys. After discussion, it was learned that this matter needs to be forwarded to the Sullivan County Planning Department for review under §239 of the General Municipal Law.

Pamela Zaitchick asked if a 12 foot fence will be tall be enough and Mr. Contrys' advised he did not know and when he first installed his fence, the highway was 36 feet lower. At that time, we installed a six foot berm and then a 6 foot fence above it and you could not see his home. Now, he does not know if this will be enough. Mr. Contrys advised he will plant trees along the fence which will shield it as well. When the tress have leaves on them, it is pretty well

covered, just not when the leaves are down. Chairman Carnell advised that it would be difficult to get approval from the Department of Transportation to do a study from the highway. No one had any way of knowing what the DOT was going to do with Route 17 until they did it. Mr. Contrys further advised that he did not think he could go any higher than 12 feet, which is pretty high, as wind may be a problem. Mr. Contrys advised that he is constructing the fence out of rough cut wood so it blends in.

Mr. Contrys also advised he the will move the tractor trailer body on the adjoining premises.

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, since the highway was reconstructed.

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

A motion to approve the area variance from §250-18 of the Town of Thompson Zoning Code permitting an increase in the maximum fence height from the required 6 feet to 12 feet, subject to favorable review by the Sullivan County Planning Department, was made by Robert Hoose and seconded by Richard Benson. 5 in favor; 0 opposed.

SUNRANCH FAMILY LLC

162 Fraser Road, Monticello, NY 12701 - S/B/L: 8-1-38

D. Randel Wasson, P.E.

Mr. Wasson advised that this property is located on Fraser Road 1000 feet north of Anawana Lake Road. The bungalows ARE being improved, leveled up and fixed to look the same. When the applicants widen the porches to match the width of the building, it changes the separation distances. The buildings themselves are presently less than 25 feet. Attorney Paula Kay advised that since this is in a non-confirming district, is each addition less than 200 square feet? Mr. Wasson advised yes, they were 144 square feet. Mr. Wasson advised that it is actually less because there are decks existing right now and they are only adding two feet on each side. Mr. Wasson showed the Board photos.

Revised under §239 was not required, as this applicant is before the Planning Board, who is the Lead Agency.

- (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.

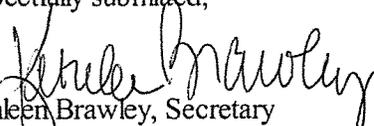
A motion was made by Richard McClermon to approve the area variance from §250-34(d)(6) of the Town of Thompson Zoning Code permitting reduced separation distances between units as follows:

- Units 8-9: from the permitted 25 feet to 19 feet, 6 inches;
- Units 10-11: from the permitted 25 feet to 16 feet, 10 inches;
- Units 14-12: from the permitted 25 feet to 19 feet, 4 inches; and
- Units 15-16: from the permitted 25 feet to 24 feet, 3 inches.

The motion was seconded by Robert Hoose.
5 in favor; 0 opposed.

A motion to close the meeting at 7:55 p.m. was made by Robert Hoose and seconded by Richard Benson.
5 in favor; 0 opposed.

Respectfully submitted,


Kathleen Brawley, Secretary
Town of Thompson Zoning Board of Appeals