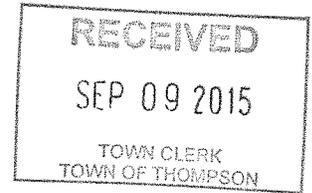


**APPROVED**

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



**IN ATTENDANCE:** Richard McClernon                      Robert Hoose  
Richard Benson    Pamela Zaitchick  
Paula Elaine Kay, Attorney                      Eric Horton, Building Dept.

**ABSENT:** Chairperson James Carnell, Secretary Kathleen Brawley  
and Alternates Brian Soller and Jose DeJesus

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

A motion to accept the June 9, 2015 meeting minutes was made by Pamela Zaitchick and seconded by Richard McClernon.  
4 in favor, 0 opposed

**MARY VAN HOUTEN**  
**3240 Route 42, Monticello, NY - S/B/L: 60.-1-8**  
**Mary and Henry Van Houten**

Attorney Paula Elaine Kay read the public notice: Applicant is requesting area variances from §250-9 of the Town of Thompson Zoning Code for the purpose of: 1) reducing a garage setback from the required 25 feet to 7 feet; 2) reducing an additional garage setback from the required 25 feet to 21 feet; 3) permitting an increased garage height from the permitted 16 feet to 18 feet; and 4) permitting a variance in roofing materials from the principal building (asphalt shingles) and the proposed garage (metal roofing).

Applicant is also requesting an area variance from §250-16(A)(2) of the Town of Thompson Zoning Code for the purpose of permitting a reduced accessory building setback from the main building from the required 10 feet to 6 feet.

Mailings were submitted to the Board.

Applicants advised the Board that they are building a garage to store cars which are presently in the yard. They want to use a metal roof to match the existing roof on the house.

The Board received the County of Sullivan's review of the project pursuant to GML §239 which was favorable and referred this matter to the Board for local determination.

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 variances as requested was made by Richard McClernon and seconded by Richard Benson.

4 in favor; 0 opposed.

A motion to take agenda out of order was made by Robert Hoose and seconded by Richard Benson  
4 in favor; 0 opposed

### **POLO HOSPITALITY, LLC**

**283 Rock Hill Drive, Rock Hill, NY S/B/L: 51.-2-2**

**Steven Vegliante, Esq. and Randy Resnick**

Attorney Paula Kay advised that the Applicant wants to change an existing static billboard to an LED lit billboard and is seeking an interpretation of §250-30(b)(1) which prohibits flashing signs. The Building Department was uncertain if the new sign would be considered a flashing sign. The size will remain the same; the lighting will be less than the present static sign. The applicant would be amenable to including a Public Service Announcement panel on the sign.

Attorney Paula Kay advised that this Board is determining whether the proposed sign is a flashing sign, which is prohibited by Town Code. This sign will be an electronic variable message which has a minimum of eight seconds, which is the NYS requirement. Mr. Resnick advised that there would be 4-6 advertisers every minute. Mr. Resnick said they are not animated advertisements. This is going to be a beautifully designed back-lit sign.

After discussion, the Board determined that the sign as proposed, so long as the same is an electronic variable message board, is not a flashing sign.

### **LIMUD LEARNING CENTER OF CENTRAL JERSEY, INC.**

**13 Norris Ave., Monticello, NY - S/B/L: 41.-1-29**

**Al Chase, LS, Galligan Land Surveying**

Attorney Paula Elaine Kay read the public notice: Applicant is requesting area variances from §250-9 of the Town of Thompson Zoning Code for the purpose of: 1) reducing one side yard setback from the

required 50 feet to 16.8 feet; and 2) reducing an additional side yard setback from the required 50 feet to 30.8 feet.

Mailings were submitted to the secretary.

Applicant advised that they are taking a quarter acre from the Limud Learning Center parcel and consolidating the same with the parcel owned by the Lustigs which will ultimately create an 8/10th of an acre parcel. Once created, the setbacks are insufficient.

Logan Morey advised that a substantial portion of parking for the camp is on the Lustig parcel. By taking this piece off, the right of way for parking will be extinguished. Board discussed future issues with this. There is no written right of way which may be an issue, since there could be issues in the future. Attorney Paula Kay advised that this must be a recorded agreement. Mrs. Morey advised the applicant that there is an alternate area for parking and showed the same to the applicant. Applicant advised that there is 50 acres and substantial areas to park. Mrs. Morey advised that there is presently limited areas to park and residents of the Learning Center block the road frequently. Mr. Chase advised that this is an existing issue and he's unsure why the Board can require this change, since it is pre-existing. Mrs. Morey also noted that the right-of-way is usually blocked by cars. Applicant advised that Limud does not own most of the camp any longer and that they only own the parcel in question. This may be a problem. The Board does have an owners proxy on file.

Attorney Paula Kay advised that the Board will approve the variances requested if you can show the Planning Board a way to alleviate the parking issues, including keeping the right-of-way accessible and any determination will be subject to that. Attorney Paula Kay also reminded the applicant that a deeded right-of-way would be required. Mr. Chase advised that the applicants are not changing anything and Attorney Paula Kay agreed, but since there is insufficient parking, this Board can address that issue.

Attorney Paula Kay suggested the right-of-way be deeded and that the applicants work with the Planning Board to alleviate the parking issues.

Board discussed the fact that Limud does not currently own the property and the Board would need an additional owners proxy for the new owners to ensure that these issues are remedied. Since the applicant has to go before the Planning Board anyway, this should not be a problem.

Public comment: Mr. and Mrs. Lustig, neighbors. Mrs. Lustig advised that the problem will continue no matter who owns the parcel. The parking will always be an issue. Mr. Lustig was concerned that going before the Planning Board would be complicated and Attorney Paula Kay said that if this Board makes a determination, the Lustigs would have to go before the Planning Board no matter what. Board discussed location of right-of-way with Lustigs.

There was no further 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 negative declaration motion under SEQRA was made by Richard Benson and seconded by Richard McClernon

4 in favor; 0 opposed. Benson,

A motion to approve the area variances as requested subject to an owners proxy from the owner of S/B/L: 41.-1-29 and an improved parking area and plan approved by the Planning Board or a deeded parking easement for S/B/L: 44.-1-2 (owned by Lustig), was made by Richard McClernon and seconded by Pamela Zaitchick.

4 in favor; 0 opposed.

### **TIMUR KOSTANETS**

**400 Sackett Lake Road, Monticello, NY - S/B/L: 44.-1-15**

**Allen Frishman**

Attorney Paula Kay read the public notice: Applicant is requesting an area variance from various sections of the Town of Thompson Zoning Code for the purpose of: 1) §250-21(b)(4): increasing a non-conforming structure; 2) §250-10: reducing one side yard setback from the required 15 feet to 9 feet, 7 inches; 3) §250-10: reducing an additional side yard setback from the required 40 feet to 18 feet; and §250-10: reducing the front yard setback from the required 40 feet to 33 feet, 3 inches.

Mailings were submitted to the secretary.

Applicant is here to renew their request for the requested variances. They were previously before this Board and these variances were approved at that time. They did not timely apply for an extension of their approvals and the same have expired. Nothing has changed from the last request. It was noted that the Board received the County of Sullivan's review of the project pursuant to GML §239 which was favorable and referred this matter to the Board for local determination.

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.

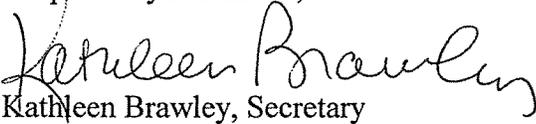
- (2) Will an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance? All voted No.
- (3) Is the requested area variance substantial? All voted No.
- (4) Will the proposed variance will have an adverse 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.

Attorney Paula Kay advised that when this matter was previously before the Board, there as also no public comment.

A motion to approve the area variances as requested was made by Pamela Zaitchick and seconded by Richard McClernon.  
4 in favor; 0 opposed.

A motion to close the meeting at 7:35 p.m. was made by Robert Hoose and seconded by Pamela Zaitchick.  
4 in favor; 0 opposed.

Respectfully submitted,



Kathleen Brawley, Secretary

Town of Thompson Zoning Board of Appeals