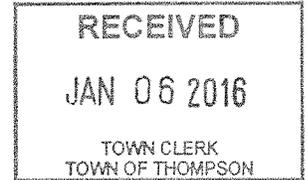


APPROVED

TOWN OF THOMPSON
ZONING BOARD OF APPEALS
Tuesday, December 8, 2015



IN ATTENDANCE:

Chairperson Richard McClernon	Richard Benson
Pamela Zaitchick	Robert Hoose
Kathleen Brawley, Secretary	James Carnell, Director - Building/Planning/Zoning
Paula Elaine Kay, Attorney	

Absent: Brian Soller and Jose DeJesus, Alternate

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

A motion to accept the October 13, 2015 and November 10, 2015 meeting minutes was made by Robert Hoose and seconded by Pamela Zaitchick.

4 in favor, 0 opposed

5 STAR DEVELOPMENT LLC

Property is located in the HC-1 Zone at Glen Wild Road, Rock Hill, NY; S/B/L: 32.-1-22 William Norton, P.E.

Chairman McClernon read the public notice. Applicants are requesting area variances from §250-10 of the Town of Thompson Zoning Code for the purpose of permitting a reduced front yard setback from the required 50 feet to 48.8 feet and to permit two existing dwellings on one lot.

Applicants are also requesting use variances from §250-21(A) and §250-21(B) of the Town of Thompson Zoning Code for the purpose of 1) permitting the continued use of an existing parcel for two single-family residences on one parcel of land; 2) permitting the subject parcel to be subdivided for commercial development; 3) expansion of a non-conforming use; and 4) expansion of a non-conforming building or structure.

Proof of mailing of the public notice was submitted to the secretary.

The determination of the Sullivan County Planning Department pursuant to GML §239 dated December 7, 2015 was received by the Board, from which it should be noted the Planning Department recommended a disapproval of this application.

Correspondence of Brad Cleverly, P.E., of MJS Land Surveying P.C., dated December 7, 2015 was provided to the Board.

The official transcript of this public hearing prepared by Rosemary Meyer, Court Reporter, is annexed hereto and made a part hereof.

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K & J 146 RUBIN ROAD LLC

Property is located in the RR-2 Zone at 89 Rubin Road, Monticello, NY; S/B/L: 43.-1-18
Jay Rubin and Shirley Rubin

Chairman McClernon read the public notice. Applicants are requesting area variances from §250-9 of the Town of Thompson Zoning Code for the purpose of: 1) Permitting a reduced setback for animal housing from the required 150 feet from any lot line to 25 feet; and 2) Permitting an additional reduced setback for animal housing from the required 150 feet from any lot line to 145 feet.

Proof of mailing of the public notice was submitted to the secretary.

Correspondence from neighbors Moonlight Cottages and Bluth were received by the Board.

Mr. Rubin advised that they want to put up an indoor riding ring to board horses. There is a barn right next door to the proposed building to house horses. There is no odor. They have been there for 98 years. Mr. Rubin lives within 300-400 feet of the site. He would not live there if it smelled. They have had no complaints ever. There are people who travel near the site every day with no complaint. It is an agricultural area. They take pride in what they have and keep it clean. His daughter runs the horse business and it benefits local people. There is no traffic. It is for our own use.

Kaitlyn Rubin, daughter of Jay and Shirley Rubin. Ms. Rubin described the building as aforesaid and advised that the building will not house horses permanently. The barn is cleaned and disinfected daily. This building will allow year-round riding. The complaints in the letters received refer to an outdoor pasture. There is no barn there. There will not be any more horses stored on the site. The site will be no different than what is already existing.

There was no public comment.

Pamela Zaitchick asked about the circumstances of the 25 foot variance. Mr. Rubin advised that the building could not be turned as it would negatively affect the aesthetics of the entire farm. His family owns three sides of the lot. They do not oppose the variance request. They have invested a lot of money into the site. There is a sand ring in place already. Jim Carnell advised that the Building Department does have plans for the proposed building. Attorney Paula Kay noted that there were very few people who needed to be noticed as the applicant owns most of the surrounding property. Mr. Rubin advised that Moonlight Cottages, who was notified, is a seasonal use and not located directly near the proposed site. The other neighbors, Bluth, are also seasonal residents and Mr. Rubin showed the Board where their home is located, which is not near the existing farm.

The Board had no further comments.

(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.

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- (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? 3 voted no. 1 voted yes (Zaitchick)
- (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 for negative declaration motion under SEQRA was made by Robert Hoose and seconded by Richard Benson
4 in favor; 0 opposed

A motion to approve the variance as requested was made by Robert Hoose and seconded by Richard Benson
4 in favor; 0 opposed

STEVEN ADELSBERG and RENEE ADELSBERG

Property is located in the SR Zone at 473 Sackett Lake Road, Monticello, NY; S/B/L: 45.-3-3
Serita Adelsberg, David Adelsberg, Patrick Hatcher and Doug Brownsee from Westchester Modular Homes

Chairman McClernon read the public notice. Applicants are requesting area variances from §250-7 of the Town of Thompson Zoning Code for the purpose of: 1) Permitting an increase in lot coverage from the permitted 20% to 41%; 2) Permitting a reduced front yard setback from the required 40 feet to 32 feet; 3) Permitting a reduced side yard setback from the required 15 feet to 6 feet; and 4) Permitting reduced combined side yard setbacks from the required 40 feet to 16 feet.

Proof of mailing of the public notice was submitted to the secretary.

Chairman McClernon advised that the map is not clear. Mr. Hatcher provided a larger copy for the Board's review. Chairman McClernon asked for an overlay map and Mr. Hatcher provided the same, but it is not clear. Discrepancies in setback calculations on the map were shown to the applicants' representatives by the Board. The Board recommended that the variances be more specifically noted on the map if the same are approved. The applicants' representatives advised they would have the survey updated.

Mr. Adelsberg advised that his family owns the lot adjoining the subject premises.

Pamela Zaitchick asked why there was such a large increase in lot coverage. Mr. Adelsberg advised that the lot contains a large dilapidated bungalow on the property. The families need more room and want to improve the existing lot. Pamela Zaitchick felt that the percentage was too large and does not want to set a precedent. The Board wants to avoid setting a precedent and allowing large homes to be placed on small lots. Ms. Adelsberg advised that their family is not looking for a luxurious home. The bedrooms are small. The property has public sewer and a private well. The Board asked the applicants representatives where the well is located and the

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well was located on the map.

The Board asked if the applicants needed a variance from the location of the Town's sewer easement and Attorney Paula Kay advised they did not.

PUBLIC COMMENT:

Lowell Victor. Mr. Victor suggested that the applicants knock down the other building owned by them in the front of the lot (nearer the road) and he would give them the property they needed. Mr. Victor advised that they would still have a lake view and it would not impede his view or enjoyment of the property. Chairman McClernon advised that the property address should be properly noted from the road for emergency purposes. Brian McEaney, a neighbor, felt that the applicants could use the lot near the road and it would be a better fit. There is more parking and more area to build. Mr. Victor advised that the manhole for the sewer is on his property and it would also be easier for the applicants to hook in to the sewer from there. Richard Benson asked Mr. Victor where he felt the applicants should build and Mr. Victor showed them the lot in question. Attorney Paula Kay advised that the Board is looking for more information from the applicant, as the Board wants a more detailed plan with setback calculations. The Board also wants a map showing the difference between the existing building and the new building. Ms. Adelsberg advised that they will address parking.

Richard Benson asked if the height of the new building will be the same as the existing and the applicants confirmed it was.

A motion to close the public hearing and keep the same open until the January 2016 meeting so that the applicants could provide the Board with more details, was made by Richard Benson and seconded by Robert Hoose.
4 in favor; 0 opposed.

STEVE SCHLANSKY and CINDY SCHLANSKY

Property is located in the SR Zone at 36 Timber Point, Rock Hill, NY; S/B/L: 52.A-1-34
Maynard Schmidt

Chairman McClernon read the public notice. Applicants are requesting area variances from §250-7 of the Town of Thompson Zoning Code for the purpose of: 1) Permitting a reduced front yard setback from the required 40 feet to 17 feet; 2) Permitting a reduced side yard setback from the required 15 feet to 14 feet; and 3) Permitting a reduced rear yard setback from the required 40 feet to 27.53 feet.

Applicants are also requesting a use variance from §250-21(b)(4) of the Town of Thompson Zoning Code for the purpose of increasing a non-conforming structure.

Proof of mailing of the public notice was submitted to the secretary.

Attorney Paula Kay advised that Michael Hoyt of Emerald Green has consented to this

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application, but asked that Mr. Schmidt get a letter from Emerald Green confirming the same.

Chairman McClernon advised that the applicant is expanding the side deck by four feet. Mr. Schmidt advised that there is an existing four foot deck there now and they are expanding the same. They will be installing a railing instead of a rope. The Board asked if the blacked out area on the plan was the increase and Mr. Schmidt confirmed it was. It is just a corner of the deck that is not in conformance. Pamela Zaitchick asked if the front of the house was lakefront and Mr. Schmidt confirmed it was. Mrs. Zaitchick asked if they were going closer to the lake and Mr. Schmidt advised that they are. Mrs. Zaitchick asked how the setback is getting smaller and Mr. Schmidt advised the existing home is not in compliance. It is over the existing permitted setback line on the front side of the lot. The front is actually 18 feet now, which is not in compliance and they are going to 17 feet.

The Board felt this was not a substantial request, as most of this is pre-existing.

There was no public comment.

The Board had no further comments.

With respect to the area variances requested:

- (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 use variances as requested was made by Robert Hoose and seconded by Richard Benson
4 in favor; 0 opposed

With respect to the use variances requested:

- A) Can the applicant demonstrate to the Board that it cannot realize a reasonable return as shown by competent financial evidence? A voted no.
- B) Can the applicant demonstrate that the alleged hardship is unique and does not apply to a substantial portion of the district or neighborhood? A voted yes.
- C) Can the applicant demonstrate that the requested variance will not alter the essential character of the neighborhood? All voted yes.
- D) Can the applicant demonstrate that the alleged hardship has not been self-created? All voted no.

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A motion for negative declaration motion under SEQRA was made by Pamela Zaitchick and seconded by Richard Benson
4 in favor; 0 opposed

A motion to approve the use variance as requested was made by Richard Benson and seconded by Robert Hoose
4 in favor; 0 opposed

A motion to adjourn the meeting at 8:35 p.m. was made by Robert Hoose and seconded by Pamela Zaitchick.
5 in favor; 0 opposed

Respectfully submitted,

Kathleen Brawley, Secretary
Town of Thompson Zoning Board of Appeals

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