

**TOWN OF THOMPSON
ZONING BOARD OF APPEALS
Tuesday, May 10, 2016**



APPROVED

IN ATTENDANCE:

Chairperson Richard McClernon, Richard Benson, Robert Hoose, Pamela Zaitchick, Jay Mendels (alternate) Kathleen Brawley, Secretary, Paula Elaine Kay, Attorney and James Carnell, Director of Building/Planning/Zoning

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 April 12, 2016 meeting minutes was made by Richard Benson and seconded by Pamela Zaitchick.
4 in favor, 0 opposed

LAKE VIEW ESTATES MONTICELLO, LLC
Property is located in the SR Zone
329 Anawana Lake Road, Monticello, NY - S/B/L: 8.-1-31.1

The application was withdrawn by the applicant. Therefore, this matter will not be heard by this Board.

A motion to close the public hearing was made by Pamela Zaitchick and seconded by Bob Hoose
4 in favor; 0 opposed

CONCORD FAIRWAYS LLC
Henry Zabatta and Kevin McManus, P.E.

Chairman McClernon read the public notice, as follows: Applicant is requesting area variances from §250-9 of the Town of Thompson Zoning Code for the purpose of permitting an increased number of row houses/attached dwellings from the required 4 units per acre to 8 units per acre, with no deduction of lands with slopes greater than 20%. Property is located in the SR Zone at Concord Road, Monticello, NY; S/B/L: 9.-1-36

Satisfactory proof of mailing was provided to the Secretary.

Pamela Zaitchick advised that the only reason she is agreeing to approve this application is that the project was previously approved. She would not approve the same if it made any precedent which may affect future projects.

Mr. McManus advised that the applicant is willing to work with the Planning Board with

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mitigation of the amount of buildings located within the steep slopes.

Chairman McClernon advised the applicant that the Town Board wants the original Concord Site cleaned up and asked if they could come up with a plan to clean this up before they appear before the Planning Board again.

There was no public comment.

AREA VARIANCE CRITERIA:

- (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 the Board that this is one of the few times that it was not self-created as the zoning changed. The Board concurred.

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

A motion to approve the variances as requested, subject to providing the Building Department and Planning Board a clean up plan of the former Concord Hotel site and mitigation of the 20% steep slopes areas, was made by Richard Benson and seconded by Bob Hoose
4 in favor; 0 opposed

ALFRED HEINS, JR.

Chairman McClernon read the public notice, as follows: Applicant is requesting an area variance from §250-9 of the Town of Thompson Zoning Code for the purpose of permitting an increased garage height from the required 16 feet to 22 feet. Property is located in the RR-2 Zone at 6 Heins Road, Monticello, NY; S/B/L: 60.-1-22

Satisfactory proof of mailing was provided to the Secretary.

Mr. Heins advised that this is the only size garage available from Grey's Woodworks. The Board noted that the property is out of the way, with no neighbors and not a detriment to the neighborhood.

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AREA VARIANCE CRITERIA:

- (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 Benson and Robert Hoose 4 in favor; 0 opposed

GEULA ESTATES

Allen Frishman

Chairman McClernon read the public notice, as follows: Applicants are requesting an area variance from §250-34(D)(6) of the Town of Thompson Zoning Code for the purpose of permitting a reduced building separation from the required 25 feet to 20 feet. Applicants are also requesting an area variance from §250-21(B)(4) of the Town of Thompson Zoning Code for the purpose of permitting an increase of a non-conforming structure. Property is located in the RR-2 Zone at 117 Coopers Corners Rd, Monticello, NY; S/B/L: 11.-1-43.3.

Satisfactory proof of mailing was provided to the Secretary.

Mr. Frishman advised that he represents Mr. Koegel, the owner of Unit 6. The owner tore down an existing deck and replaced it with a larger deck and the Building Department discovered it. It encroaches an additional five feet from the previous deck. Mr. Frishman suggested that the deck was not a structure that has a fire mass and he asked that the Board take that into consideration. The Building Permit was applied for and denied and that is why he is here. A photograph of the previous deck was shown and the Board noted that it did not appear to be in poor condition. Mr. Frishman explained that the underlying structure of the deck was the issue. Mr. Frishman advised that the new deck does not pose a fire hazard. Chairman McClernon asked why the owner did not get a permit and Mr. Frishman advised that the owner thought he did not need one since he was replacing an existing deck. He is appearing in Court for this matter and will be dealt with accordingly.

Chairman McClernon felt that the Board hold hearing open. Mr. Frishman tried to argue, but Chairman McClernon advised that they can deny the application and make the owner remove the non-compliant part of the deck. Chairman McClernon advised Mr. Frishman that the caretaker or owner of the colony should use better caution with the residents. Mr. Frishman advised that they are good neighbors.

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Board suggested Mr. Frishman accept service of the Summons and appear in Court. They will hold open the hearing until June 14, 2016 so the owner has an opportunity to take care of this issue with the Building Department and Town Court. The alternative would be to deny the application and ask the applicant to remove the non-compliant part of the deck.

PUBLIC COMMENT:

Julie Chen, neighbor – Mrs. Chen was concerned with the expansion of the bungalow. Mr. Frishman advised that this is just for the extension of a deck and not to enlarge the bungalow. It has nothing to do with increasing units or density.

Mr. Koegel, owner's son – Mr. Koegel claims that the Building Department told his father that it was not ticketed yet and that they would be served after this Board made a determination. Mr. Koegel further advised that the previous deck was very small and crowded.

A motion to hold the hearing open until June 14, 2016 to await the determination of the Town Court and Building Department was made by Robert Hoose and seconded by Richard Benson.
4 in favor; 0 opposed

KAUFMANS COLONY CORP. – RIFKEY MILLER (UNIT 25)

Allen Frishman

Chairman McClernon read the public notice, as follows: Applicants are requesting an area variance from §250-34(D)(6) of the Town of Thompson Zoning Code for the purpose of permitting a reduced building separation from the required 25 feet to 20 feet 9 inches. Applicants are also requesting an area variance from §250-21(B)(4) of the Town of Thompson Zoning Code for the purpose of permitting an increase of a non-conforming structure. Property is located in the HC-2 Zone at 171 Kaufman Rd, Monticello, NY; S/B/L: 12.-1-5.7

Satisfactory proof of mailing was not provided to the Secretary. Mr. Frishman assures the Board that he will provide the same to the Board tomorrow morning. He further advised that last year, no public showed up for other variance requests for the same premises. Mr. Frishman also continued to argue his point that there was no public present at tonight's hearing for this application as well. [Sufficient proof was provided to the Board on Wednesday, May 11, 2016.]

Mr. Frishman advised that with respect to the lack of a Certificate of Occupancy, the electrical certificate was sent directly to the Building Department.

There was no public comment.

Chairman McClernon advised that the applicant would not need a permit if they constructed the deck closer to the ground as a patio. Mr. Frishman advised that it is not a patio, as the applicants want to have the porch covered.

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A motion to hold the public hearing open to June 14, 2016 was made by Richard Benson and seconded by Bob Hoose.

4 in favor; 0 opposed

KAUFMANS COLONY CORP. – JOSEPH SPREI (UNIT 26)

Allen Frishman

Chairman McClernon read the public notice, as follows: Applicants are requesting an area variance from §250-34(D)(6) of the Town of Thompson Zoning Code for the purpose of permitting a reduced building separation from the required 25 feet to 19 feet 9 inches. Applicants are also requesting an area variance from §250-21(B)(4) of the Town of Thompson Zoning Code for the purpose of permitting an increase of a non-conforming structure. Property is located in the HC-2 Zone at 171 Kaufman Rd, Monticello, NY; S/B/L: 12.-1-5.7

Satisfactory proof of mailing was not provided to the Secretary. Mr. Frishman was advised that this matter will be held open until the June 14, 2016 meeting but that if the mailings are not provided to the Board tomorrow morning they would need to reapply.

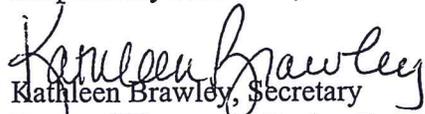
A motion to hold the public hearing open to June 14, 2016 was made by Richard Benson and seconded by Bob Hoose.

4 in favor; 0 opposed

A motion to adjourn the meeting at 7:43 p.m. was made by Pamela Zaitchick and seconded by Richard Benson.

4 in favor; 0 opposed

Respectfully submitted,



Kathleen Brawley, Secretary

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