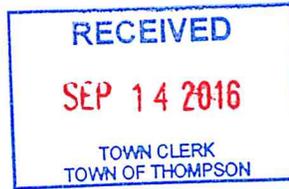


**TOWN OF THOMPSON  
ZONING BOARD OF APPEALS  
Tuesday, August 9, 2016**



**APPROVED**

**IN ATTENDANCE:**

Chairperson Richard McClernon, Robert Hoose and Pamela Zaitchick, Paula Elaine Kay, Attorney and Eric Horton, Building Department

Absent: Richard Benson, Jay Mendels (alternate), Brian Soller, Jose DeJesus, Alternate and Kathleen Brawley, Secretary

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

A motion to accept the July 12, 2016 meeting minutes was made by Pamela Zaitchick and seconded by Robert Hoose.

5 in favor, 0 opposed

Chairman McClernon advised the audience that due to the fact that they have only three voting members present, any votes made tonight must be unanimous (a super majority) in order to be counted.

**NYSARC**

Property is located in the CI Zone at 203 Cimarron Road, Monticello, NY; S/B/L: 24.-1-42  
Steven Hillriegel

Chairman McClernon read the public notice: Applicants are requesting area variances from §250-12 of the Town of Thompson Zoning Code for the following purposes: 1) permitting an increase in the permitted free-standing signs from one sign to two signs; and 2) permitting an increase in square footage of a free-standing sign from the required 40 square feet to 64 square feet.

Satisfactory proof of mailing was provided to the Board.

Mr. Hillriegel advised that ARC recently constructed a sign which is one sided. They want to duplicate the sign on the other side to attract people to their sign. They currently have 65 job openings and need the exposure.

Pamela Zaitchick asked why they are requesting the sign variance and Mr. Hillriegel advised that the permitted sign is small and cannot be seen from the highway. They simply want to duplicate it and put it on the other side to make it a double faced and legible sign. There will be a downward facing light on the sign.

The Board had no further questions.

Town of Thompson ZBA  
August 9, 2016

There was no public comment. The Board received the Sullivan County Planning Department's review under GML §239 which referred this matter to the Board for local determination with no comments.

**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. Pamela Zaitchick advised that she felt it could be done in another way, but she is not opposed to this application.
- (2) Will an undesirable change be produced in the character of the neighborhood or will a detriment to nearby properties 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 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 Pamela Zaitchick.  
3 in favor; 0 opposed

A motion to approve the variances as requested was made by Robert Hoose and seconded by Pamela Zaitchick  
3 in favor; 0 opposed

**NYSEG**

**Property is located in the HC-2 Zone at 21 Katrina Falls Road,  
Rock Hill, NY; S/B/L: 51.-2-41.2  
Josh Silver, Esq.**

Chairman McClernon read the public notice: Applicants are requesting an area variance from §250-11 and §250-70(b) of the Town of Thompson Zoning Code for the purpose of permitting a reduced side-yard setback from the required 250 feet to 230 feet 3 inches.

Satisfactory proof of mailing was provided to the Board.

Mr. Silver advised that NYSEG wants to install a 100' monopole at the site to support wi-max and land communication antennas which are used by NYSEG personnel for communication in the event of a power outage. The wi-max antennas support the smart-grid technology which NYSEG is upgrading to. It also helps them to determine problems visually and faster. The 100' pole is required for the Rock Hill station to communicate with the Monticello station. The applicant located the antenna in the spot on the site that required the least amount of setback variances. Mr. Silver showed the Board where the pole was on the site and the reduced setback amounts.

Attorney Paula Kay advised that the Sullivan County Planning Department submitted their review

Town of Thompson ZBA  
August 9, 2016

under GML §239 and referred the matter for local determination, but have technical comments. The Planning Department's determination advised that the setbacks are substantial and raised concerns about collapse. They also recommended locating the pole in a different location to avoid any possible issues. Attorney Paula Kay advised the applicant that they could respond to the County in writing if they are not ready to do so tonight. Mr. Silver advised that he could answer some of the County's concerns. Mr. Silver noted that during the work session, the Board suggested a self-collapsing tower. However, a self-collapsing tower is weaker than traditional tower and it is NYSEG's policy to build the strongest tower possible for obvious reasons. The Board was concerned and wanted to know if any towers of this nature have collapsed and what NYSEG's responsibility will be if this happened. Pamela Zaitchick advised that with weather being as it is, she is concerned about collapse. Mr. Silver advised that towers such as these are built with guidelines that require it to sustain certain wind strengths, etc. NYSEG builds their towers above State Building Code requirements to ensure they are safe. They did provide a structural engineer's report to support this. Chairman McClernon felt that NYSEG could build a self-collapsing tower and Mr. Silver advised that they are not as strong as the tower proposed and NYSEG is not interested in building the same. Attorney Paula Kay asked about the fence extension noted in the cover letter. Pamela Zaitchick felt that a chain link fence is unsightly as it is a nice area. Perhaps NYSEG could also clean up the property and provide some screening.

Chairman McClernon asked where the tower in Monticello is located and Mr. Silver advised that one is in Monticello. Attorney Paula Kay advised there is another one in Kiamesha Lake. Chairman McClernon suggested that they build the existing tower in Monticello taller to allow the tower in Rock Hill to be shorter. Mr. Silver advised that NYSEG builds with a vision toward the future as well and that is part of the reason why they are looking for the taller tower. Chairman McClernon asked if others use the tower and Mr. Silver advised that it is not that NYSEG does not want to share, but it is economically not feasible for other companies to utilize their pole. Mr. Silver also advised the Board that this upgrade is being done due to the construction of the casino and the potential problems which may occur. However, NYSEG is working on 300 similar sites throughout the State.

Pamela Zaitchick advised that Rock Hill really needs more cell service and they would really like to see NYSEG give training to allow other cellular phone providers to utilize the pole. Mr. Silver advised that it has not come up to NYSEG because it is not commercially appealing. Cellular providers do prepare tower inventories of the area they are looking in and they usually pass over towers like this. He will ask NYSEG to see what their thoughts are.

Attorney Paula Kay suggested that between now and next meeting perhaps the applicant could clean up the site. She also feels the safety issue needs to be addressed and Mr. Silver asked if it was specifically for the fall zone, which the Board confirmed. Bob Hoose wanted information on the collapsible tower and the Board concurred.

Mr. Silver will come back to the Board with information concerning collapsible towers, co-locating and cleaning up of the site. Eric Horton showed Mr. Silver some specific areas on the site that need to be addressed, but added that really, the entire site needs to be addressed and cleaned

Town of Thompson ZBA  
August 9, 2016

up. Attorney Paula Kay suggested that Mr. Silver or a representative of NYSEG speak to the Town Supervisor, who has previously discussed this matter with a representative of NYSEG and expressed his concerns.

A motion to hold this hearing open for the September 13, 2016 meeting was made by Pamela Zaitchick and seconded by Robert Hoose  
3 in favor; 0 opposed

**AGATA BACA & MIROSLAW BACA**

**Property is located in the RR-2 Zone at 16 Gregory Road, Monticello, NY; S/B/L: 56A.-2-6**

Chairman McClernon read the public notice: Applicants are requesting area variances from §250-9 of the Town of Thompson Zoning Code for the following purposes: 1) permitting a reduced garage setback from the required 25 feet to 15 feet; 2) permitting an increased garage height from the required 16 feet to 19.5 feet; and 3) permitting an exterior finish (brick/stone veneer) which does not match the principal building (wood siding).

Applicants are also requesting an area variance from §250-16(b) of the Town of Thompson Zoning Code for the purpose of permitting an accessory building to be closer to the road than the main building.

Satisfactory proof of mailing was provided to the Board.

Mr. Baca advised that they are looking to construct a garage on the site for storage. It will be very nice. The front of the garage will match the house. It will be wood sided. Robert Hoose asked if a bedroom was going to be installed upstairs and the applicants advised it was going to be used as a recreational room. When Mr. Hoose elaborated, Mr. Baca advised he plays drums and wanted a place to play that was not a nuisance. Mr. Baca advised that the home will not have brick or stone. It will be very nice with wood siding. The applicants further advised that the garage will be closer to the house and the setback will be less. Eric Horton looked at the plans and thought there may be an issue with another setback amount but the dimensions were not noted. Eric Horton noted that there was a deck which Mr. Baca advised will be four feet above ground, which means it will be counted in the setback calculations. After discussion, it was learned that there was no porch and the only variance they need is a garage height and that the garage will be closer to the road than the house. The Board reiterated that they did not want to learn that a bedroom was installed above the garage. After review, the Board realized that the applicants need to provide the Board with an updated map with the correct dimensions which matches the variances requested. If they leave the building as it is, the Board can act tonight, but if they change it at all, they need to bring a new plan which reflects the new dimensions, etc. Pamela Zaitchick also wants the plan to confirm the building materials and that no variance is needed for that. Attorney Paula Kay also wants it confirmed that the room upstairs will not be used for a bedroom.

Town of Thompson ZBA  
August 9, 2016

A motion to hold this hearing open for the September 13, 2016 meeting was made by Pamela Zaitchick and seconded by Robert Hoose  
3 in favor; 0 opposed

**NORMAN OUELLETTE & CHRISTINE OUELLETTE**  
**Property is located in the RR-1 Zone at North Shore Road, Rock Hill, NY; S/B/L: 56A.-2-6**

Chairman McClernon read the public notice: Applicants are requesting area variances from §250-8 of the Town of Thompson Zoning Code for the following purposes: 1) permitting a reduced garage setback from the required 25 feet to 17 feet; and 2) permitting a reduced garage setback from all property lines from the required 25 feet to 8 feet.

Applicants are also requesting an area variance from §250-16(b) of the Town of Thompson Zoning Code for the purpose of permitting an accessory building on a parcel without a primary structure.

Satisfactory proof of mailing was provided to the Board.

Attorney Paula Kay noted that the Board needs a letter from the Homeowner's Association confirming that they consent to this application. Mr. Ouellette advised he will get the same immediately.

Mr. Ouellette advised that they are seeking to demolish an existing building which is close to the lot line and construct a new building. Grey's Woodworks is constructing the garage. The garage will very closely match the home on the lot. In fact, the neighbor's view of the lake will be improved once the new building is constructed.

**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. Pamela Zaitchick advised that she felt it could be done in another way, but she is not opposed to this application.
- (2) Will an undesirable change be produced in the character of the neighborhood or will a detriment to nearby properties 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 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, conditioned upon the Board's receipt of a letter from the Homeowner's Association consenting to the application, was made by Pamela Zaitchick and seconded by Robert Hoose  
3 in favor; 0 opposed

Town of Thompson ZBA  
August 9, 2016

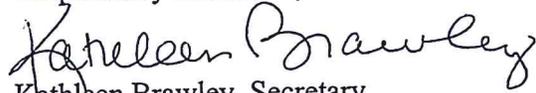
**CHOICE PROPERTIES OF MONTICELLO LLC**  
**Property is located in the HC-2 Zone at**  
**4020 State Route 42, Monticello, NY; S/B/L: 13.-3-39**

The applicant did not appear or provide proof of mailing. Therefore, this matter was not heard.

A motion to close this meeting at 7:41 p.m. was made by Robert Hoose and seconded by Pamela Zaitchick

3 in favor; 0 opposed

Respectfully submitted,



Kathleen Brawley, Secretary  
Town of Thompson Zoning Board of Appeals

Town of Thompson ZBA  
August 9, 2016