

APPROVED

TOWN OF THOMPSON
ZONING BOARD OF APPEALS
Tuesday, January 9, 2018

RECEIVED
FEB 14 2018
TOWN CLERK
TOWN OF THOMPSON

IN ATTENDANCE: Chairman Richard McClernon Richard Benson
Jay Mendels Paula Elaine Kay, Attorney
Danielle Jose-Decker, Alternate Ian Constable, Alternate
Ryan Schock
James Carnell, Director of Building/Planning/Zoning
Debbie Mitchell, Secretary

Absent: Robert Hoose

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

A motion to approve the December 12, 2017 minutes was made by Richard Benson and seconded by Jay Mendels
5 in favor, 0 opposed

Chairman Richard McClernon introduces the new member of the Zoning Board of Appeals (ZBA)

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

Chairman Richard McClernon appoints Danielle Jose-Decker to replace Robert Hoose

Appeal by Pamela Schrader & Roy Burger (continuation):

Property is located at 118 Cooper Corner Road, Monticello, NY; S/B/L: 11.-1-4 in the RR-1 zone without central water/sewer.

Ichud Foundation

Property is located at 240 Forestburgh Road, Monticello, NY; S/B/L: 28.-1-22 in the RR-1 zone with no central water/sewer.

Tim Gottlieb, engineer
Donald Nichol, Jacobowitz and Gubits
Rabbi Schwartz

Applicant is requesting area variances from §250-8 of the Town of Thompson Zoning Code for the following purpose: increase in density from required 2.51 density unit per acre to proposed 2.63 density unit per acre.

Satisfactory proof of mailing was provided to the Board.

We have an owner proxy for Tim Gottlieb

Mr. Gottlieb – We are proposing 6 new duplex units at the back end of the property. In 2014 they were granted a variance density of 2.63 for 12 units per acer and that was to add units to the existing buildings. Jay Mendels – According to our notes we approved 2.44 in 2014. Mr. Gottlieb – No 2.63! Chairman Richard McClernon – You sent a letter asking to change the density to 2.63 but it was never brought to the Zoning Board for approval. Mr. Nichol – The map showed 2.63, it's a calculable number. You calculate your acres and number of dwelling units. Mr. Gottlieb – That was what the Board approved. Jay Mendels – No according to our minutes, we approved 2.44. Chairman Richard McClernon – I have a letter asking back in February 2014 that the minutes be changed to 2.63 but that was never done. Mr. Nichol – A map was submitted with the number of units approved and it showed a density of 2.63. Mr. Gottlieb - They were going to be quadplexes until they found out they needed sprinklers so they went back to duplex. That would be 12 units to get us to the 2.63. Mr. Nichol – That's why the 2.51 is what we currently have. And it's a calculated figured. Jay Mendels – I have an issue since our minutes showed 2.44. Chairman Richard McClernon – You can't build more units then allowed per acre. Mr. Nichol – The map submitted showed 24 units bringing us to 2.63 but they only built 12 out of 24 and that' s why we have 2.51. The variance was granted and they build some of them. And I think your code shows there could be extension through the building department as well as through the ZBA. And it does not look like that happened. Paula Kay – It can be done, but it wasn't done. Danielle Jose-Decker – Did the map say 2.63 density on it and is that approved map here? Mr. Gottlieb gave Danielle Jose-Decker the map with the 2.63 density.

Paula Kay read to the board and the public the Counties 239 recommendation that is for disapproval of the application.

Chairman Richard McClernon – There were 50 units with fire code violation. Rabbi Schwartz – We had a fire inspection from the Building Department. We have 50 building with violation. Each unit had a wired smoke detector in them, the smoke detectors were removed but the wire is still there, and that is why they failed. We have to replace the smoke detectors. Some steps have to be fixed and 3 or 4 units had walls taken down in them. People wanted bigger bedrooms. Engineers were called to look at the building that were being worked on. Chairman Richard McClernon – Were there any building permit? Rabbi Schwartz – The residents did it themselves and we didn't know about it. Jay Mendels - You still have to address the fire inspection issues. We have the Certificate of Occupancy for the dining hall and shul.

Mr. Nichol – We got a letter from the Village saying they don't have any issues with the new units. A copy of the letter was given to Chairman Richard McClernon.

Chairman Richard McClernon – Has there been any discussion on getting water or sewer from the Village? Rabbi Schwartz – We agreed with the Village to put a new pump in the pump station on Route 42 and we will pay for the new pump. They are currently working on a proposal.

Mr. Nichol – I have the County planning letter from November 2013 for the first application, and at that time they thought the units were ok and made it a local determination. This letter was given to Chairman Richard McClernon. Chairman Richard McClernon – We have to use the new County 239 and have to go by that one.

Mr. Nichol – Can we get an extension on the existing variance from 2.51 to 2.63? It's an increase of 4.8%. Chairman Richard McClernon – But it's 30% over the 2.0. allowed. Rabbi Schwartz – When we bought the colony 18 years ago it was 4 units per acre. We have only increased the colony by 6 or so units in the last 18 years. Even the new units are just a replacement. We are just looking for an extension on what was already approved.

Chairman Richard McClernon read the letter from David Sager, Monticello Village Manager.

PUBLIC COMMENT:

Beth Leidner, 36 Jacob Drive; we would like to know why we are here? We went thought this last year when we thought it was 2.0 not 2.51 and I believe that a no in 2017 should be a no in 2018. Also, the notice for this public hearing came only a few days ago, not giving us a lot of time. The only reason you should get a variance is if you are having a hardship. I don't think they are having a hardship. They bought the property and it was Zoned for two units per acre, but they have gotten almost 2.5 units per acre. We know that Mr. Sager wants to give them sewer. But that doesn't address the ground water issue. I had issues with my well last June when they started to fill up their holding tanks. I personally don't want 400 more neighbors.

Robert Fleischman, 4 Jacob Drive; if I was asking for a variance I would make sure all of my stuff was correct. I wouldn't have any code violation. And then I would come to the ZBA. The issue is the density of people living in these homes. The average home has approximately 2.8 people live in them, but in this colony, they are looking at 7 or 8 people per home, making this over 20 people per acre. This is the third year in a row we have been here and this is crazy.

Andy Herzog, 42 Jacob Drive; in the summer we walk past this colony and all you smell is raw sewage and it's disgusting. There are too many people in that area.

Ira Simon, 26 Jacob Drive; when did the building inspection take place? Jim Carnell – The end of October and November 6 or 7, on three different times. Mr. Simon – I've asked for a foil request and Logan couldn't get into the colony. And when she did she found fire violations. Paula Kay – She found 50 building failed and 32 passed. Mr. Simon – It seems to me that there is a pattern, if not denied compliance but delayed compliance. I've ran a camp and we always made ourselves available and I don't think they ever do. I urge the board not to entertain a variance until they are in complete compliance with the Building Department.

Gerald Fielding, 18 Jacob Drive; there was a number thrown out last year that there are up to 10,000 residents in this area already and that should be taken into consideration when looking at their request.

Lynn Fogarty, 3 Hamilton Road; I'm happy to hear that there is going to be work on the sewer system. We live pretty close to it and in the summer, it has some pretty bad odor coming from it. I'm wondering about the bungalow colony hooking into the village water. Has that been thought about? We have noticed a decrease in our water system at our home in the last two years.

Robert Fleischman, 4 Jacob Drive; – We share the water table and we should share it equally.

Mr. Goldberg, residence of ICHUD; I live in the city and I run a company that is very successful and get up early every morning. I have been coming to the colony for 18 years. This is the place where I have grown up. The way our system works, we don't take up public space, like supermarkets and schools. If we are squeezed into a place because there isn't enough building then we will just have to buy other homes the area. We don't hurt anybody and I don't think we have hurt anyone in this past year. We just want to come here for the summer. We have everything thing we need here at the colony. I understand there are violation and that' because they are old units. We would like to get new units. Rabbi Schwartz is just trying to help us out. 30% of 200 is 60, have we bought 60 new units? No, we have not. This is getting blown out of proportion. I want to thank the board for your efforts.

Chairman Richard McClernon – The 30% is from the county going from 2.0 to the 2.63 in density. They figured it's a 30% increase.

Nicholas Collins, Anawana Lake Rd; I think what the people are trying to say here is that they don't want 400 kids running around and screaming when they are trying to rest. I have the same issues by my home.

Tom Fogarty, 3 Hamilton Road, retired; I walk up and down Hamilton Road and on the corner of Route 42, I pick up my neighbor's garbage. And I watch my neighbors throw their garbage in the street. I agree the water table is a big issue.

Beth Leidner – I'm not objecting to living next to the colony. We just don't want more people. I understand they bought Mr. Willys and they can build there. We are asking to stick by the rules. We want to keep to the density and laws as they stand.

Robert Fleischman, 4 Jacob Drive; I take offence to Mr. Goldberg comments. I've owned the Bagel Bakery for 50 years and I get up early and work hard too. I try to work with everyone in the community. I live here all year long. No one says' you shouldn't use our buses or schools. If you pay taxes you should be able to go to our schools.

Lynn Fogarty 3 Hamilton Road; Is there conversation about the bungalow hooking up to the water?
Paula Kay – That's something the town board will handle. You can raise this issue to the Town Board.

Rabbi Schwartz – Thank you for all coming out. When I bought the colony, it was 4 units per acre and now it's 2 units per acre. Our neighbors are saying that we are going over the density. We are asking for 12 families to come and live in our colony. We were denied last year for a big project. We now want

an extension for what was approved in 2013. We want nice houses for our family. We bought a bungalow colony and want to make them nice houses for our families.

Jay Mendels – Will you be taking down any old units for the new duplex units? Rabbi Schwartz – Nothing is being replace right now.

Judy Kunis, 24 Jacob Drive; you want 12 families to come in! What happens when 12 more family's wants to come in? What is your plan for the future?

Mr. Goldberg– The community is growing and there are new colony's and houses going up everywhere. This specific community is different because its only for the summer. We have already committed to 12 family and in the future, we know we can't commit to anymore since we are full.

Mr. Nichol – We realize this is difficult and you have a job to do. We are here because we were already approved. We want an extension. We want to build the units that you have already approved. From our current density to 2.63. We could of build at a higher density when we were first approved. We understand that we were denied last year for a larger project. We are trying to put the units away from Jacob drive. They are trying to do what's good and it's a summer colony. If this is approved then we need to go to the planning board and they address a wider range of issues.

Paula Kay – No matter what happens tonight there is issues with this applicant. And they need to work with the Town and the Village to try and address those issues.

Ida Richter, 51 Jacob Drive; you said this is not a majored issue. But it is, next year they will be back for more units.

Rabbi Schwartz – I came for 40 units and the board denied us. So, I'm now here for 6 duplex units and if I was going to ask for more next year I would do so now.

Chairman Richard McClernon – closed the public hearing.

PUBLIC COMMENT CLOSE:

AREA VARIANCE CRITERIA:

- (1) Whether benefit can be achieved by other means feasible to applicant; All voted no
- (2) Undesirable change in neighborhood character or to nearby properties; All voted yes – The county stated that it would undermined the residential character of the rural residential zoning district.
- (3) Whether request is substantial; All voted yes – 30% over the 2.0
- (4) Whether request will have adverse physical or environmental effects; All voted Yes – Previous trouble with water and with the lack of snow and rain that the water table is something we can't predict.

(5) Whether alleged difficulty is self-created; All voted yes

A motion for negative declaration under SEQRA was made by Richard Benson and seconded by Jay Mendels

4 in favor; 1 opposed: Danielle Jose-Decker, we talked about how it could affect the water so, I don't think it's truly a negative declaration.

Chairman Richard McClernon asked for a motion to approve the applicant's variance request and no one responded. A motion to deny the applicants variance request was made by Danielle Jose-Decker and seconded by Jay Mendels

5 in favor; 0 opposed

No one showed up for Pamela Schrader & Roy Burger application.

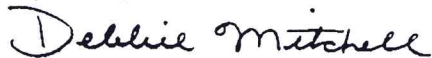
A motion to close out Pamela Schrader & Roy Burger application was made by Richard Benson and seconded by Ryan Schock.

5 in favor; 0 opposed

A motion to close the meeting at 8:00 pm was made by Richard Benson and seconded by Ryan Schock

5 In favor; 0 opposed

Respectfully submitted,



Debbie Mitchell

Secretary

Town of Thompson Zoning Board of Appeals