

TOWN OF THOMPSON
ZONING BOARD OF APPEALS
Tuesday, April 9, 2019

IN ATTENDANCE: Chairman Richard McClernon Richard Benson
Jay Mendels Ryan Schock
Paula Elaine Kay, Attorney Barbara Strong, Alternate
James Carnell, Director of Building/Planning/Zoning
Debbie Mitchell, Secretary

Absent from the meeting was Robert Hoose and Danielle Jose-Decker

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

A motion to approve the March 12, 2019 minutes was made by Richard Benson and seconded by Ryan Schock

5 in favor, 0 opposed

Chairman Richard McClernon appointed Barbara Strong to replace Robert Hoose

Appeal by: Bijal Patel

Applicant is requesting area variances from §250-10 and §250-6(E) of the Town of Thompson Zoning Code for the following purpose: (1) front yard setback required 50' to proposed 35' and (2) two uses on one lot required 80,000 foot (40,000 Foot per use) to proposed 19,007 foot.

Property is located at 184 Rock Hill Drive, Rock Hill, NY S/B/L: 32.-2-46 in the HC1 zone.

Michael North, North Engineers

Bijal Patel

Satisfactory proof of mailing was provided to the Board.

Mr. North— As the designer I do not believe this is considered a corner lot according to the Town code. The highway exit is not accessible to our property. I was asking for an interpretation from the Board. I cannot see why we aren't allowed to do two-uses, but I could be corrected.

Mr. North— We are increasing the setback from the existing building and that is 30.4 feet. The one side in question is 30.4 feet not including the chimney. I was willing to comply with the side yard of 35 feet. The front yard setback was increased in order to comply and there is no variance required. The current building is very close to the road and the new building will not be. I didn't foresee this side yard as being in question at all when it this was bought. There is a building there now with multiple uses and we are going to get rid of the building and put in a new building that is 2,668 square feet, this will replace the existing liquor store that Mr. Patel is currently rents. The current liquor store is not ADA compliance and it's not his to renovate. So, our idea was to relocate to this location, which is just a couple of buildings away.

Jay Mendels – Are you going to take advance of the paved parking in the front and back? Mr. North – Yes. Jay Mendels - Main entrance will be facing rock hill drive? Planning board will address curbing, right? Paula Kay – Yes. Jay Mendels - Any curving will limit your parking in the front? Mr. North– No, I checked this out already there is plenty of room. With a 50-foot setback there will be plenty of room.

Chairman Richard McClernon – We got a 239 from the County with local determination.

Richard Benson – What about water & sewer? Mr. North– Public sewer and the water is a well. Paula Kay – This is something that Richard McGoey will look at.

Chairman Richard McClernon – The County recommends that you maintain the landscaping in the back by Route 17. Jay Mendels - Do you have any plans for this? Mr. North– I didn't have any. Jim Carnell – This property does not go all the way to Route 17. Mr. Patel – We will add more vegetation but the vegetation in question is part of Route 17.

PUBLIC COMMENT:

No Public comments

PUBLIC COMMENT CLOSE:

Paula Kay read's the definition of Multiple use according to the Town code.

Paula Kay – “Multiple uses, when approved by the Planning Board, shall be compatible with each other and must be a use which would otherwise be permitted in the zone under. When granting multiple uses on one lot, the minimum area requirements and standards for both uses must be met. If an applicant for a multiple use under this subsection requests a variance for any purpose, such request shall be referred to the Zoning Board of Appeals and shall stay any meetings, hearings or other action by the Planning Board until such time as a decision on the variance shall be made by the Zoning Board of Appeals.” This means you go first.

Chairman Richard McClernon – What about a corner lot definition? Paula Kay reads the definition of a Corner Lot according to the Town code. Paula Kay – “Front yard setbacks are required on both street frontages, and one yard other than such front yards shall be deemed to be the rear yard and the other a side yard”. Chairman Richard McClernon – Then according to our code this is a corner lot.

Mr. North – In the ordinance its say's two street, correct? What is the definition of a street? Paula Kay read's the definition of a street according to the Town Code. Paula Kay – “A public or private way which affords principal means of access to abutting properties.”

Chairman Richard McClernon – Then this is really not a corner lot. Jim Carnell – You can get access off of Route 17, if you go up Route 17 you will see where there are roads and driveways that have access to Route 17 and there was another project that Route 17 was used as a street. Chairman Richard McClernon – It's just a question of access. Will the state give them access off of a ramp? Paula Kay – What Jim Carnell is saying is down the road that there is a similar project that the Board determined 17 to be a street. But this is your call. Richard Benson – But the Planning Board determines if it a street.

Mr. North – But you are the legal body more so than the Planning Board. Chairman Richard McClernon – The board all agrees that this is considered a corner lot.

A motion for negative declaration motion under SEQRA was made by Richard Benson and seconded by Ryan Schock
5 in favor; 0 opposed

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 No

Chairman Richard McClernon – Will make it look better.

(3) Whether request is substantial; All voted No

Jay Mendels -based on what is currently there.

(4) Whether request will have adverse physical or environmental effects; All voted No

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

A motion to approve the variances was made by Ryan Schock and seconded by Jay Mendels
5 in favor; 0 opposed

Chairman Richard McClernon – Now let's go over the two uses on one lot required 80,000 foot (40,000 Foot per use) to proposed 19,007 square foot. Is 19,007 square foot the total square foot? Mr. North – Yes. Paula Kay – If you remember in the past this had two uses before. Mr. North – This is also keeping with the neighborhood. There are apartments above the existing liquor store. Mr. Patel – Also behind the liquor store is an apartment.

PUBLIC COMMENT:

No Public comments

PUBLIC COMMENT CLOSE:

A motion for negative declaration motion under SEQRA was made by Ryan Schock and seconded by Jay Mendels
5 in favor; 0 opposed

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 No

(3) Whether request is substantial; All voted Yes

Jay Mendels – Based on our requirements.

(4) Whether request will have adverse physical or environmental effects; All voted No

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

A motion to approve the multiple use was made by Ryan Schock and seconded by Jay Mendels
5 in favor; 0 opposed

Appeal by: Thompson Mews

Applicant is requesting area variances from §250-7 and §250-28C(1)(a) of the Town of Thompson Zoning code for the following purpose: (1) Multiple dwelling building length from required 160' to proposed 162' (2) Building height from required 35' to proposed 44.5' (3) Density per acre from required 1.9 units per acre to proposed 13.84 units per acre (4) Density per acre from required 1,000 sq. ft to proposed 910 sq. ft.

Property is located at Waverly Ave & Cold Spring Road, Monticello, NY S/B/L: 29.-2-15.2/29.-2-15.3 I the SR zone with central water/sewer.

Joel Kohn, representing the applicant

Barry Milowitz – Co-Owner

Jeff Kaplan – Attorney

A motion to reopen the Public Hearing was made by Ryan Schock and seconded by Barbara Strong
5 in favor; 0 opposed

Mr. Kohn - This project is a continuation from last month. This project is 184 units that were approved back in 2005. There were changes in the Zoning Code causing changes to the bulk table. Originally there were two variances for this project back in 2005. The one variance was for density. The density at the time was 8 units per acre and they asked for a variance of 11.2 units per acer and they received it. The seconded variance was for the height. Thirty-Five feet was allowed and they asked for 45 feet and got that as well. The code has changed to only allow 1.9 units per acre and we now have to deduct the steep lopes making it less for development. We are keeping the height at 45 feet. We have added two more variances; one is for the length. The max is 160 feet for the building and we are requesting 162 feet. The last variance is for density per acre from required 1,000 square feet per unit and would like 910 square feet per unit

Mr. Kohn - We saw the Counties 239 review. It's kind of mixed. We don't think that we are setting for our own vision. Back then we were approved and then the Town changed the code. That's why it looks so substantial. It also say's it won't be inconsistent with the neighborhood. The Village line is next door and if someone want to build on that property they could and even have bigger buildings since it's allowed in the Village. Chairman Richard McClernon – It is a change to the neighborhood now because there is nothing but single-family homes there now. The 239 say's since this doesn't meet present day codes and should be rejected.

Mr. Kohn - There was one member from the public who had a question last time about a building closes to his property and that would be building number one. I looked back at the old minutes from 2005 and a neighbor had asked that this building be reduced by one story and built last.

Mr. Kaplan – Without these variances we couldn't economically put this development in. One of the advantages is that the developer will help with getting a better water system. There is a lot of blight and this will help clean up this area. Chairman Richard McClernon – I can only go by our present-day code. There is too much for me to agree upon. Jay Mendels – I think Zoning was changed for a reason and to go back to 2005 is too excessive. Richard Benson – I too believe this is too excessive of a request.

Mr. Kohn - One reason it wasn't build in 2005 was because of lack of water. And now we will have enough water. Paula Kay – Maybe go through each of these variances. Chairman Richard McClernon – Didn't the owner have a well drilled at the airport and you will use it? Mr. Kohn - No. Paula Kay – Not for this developer. Mr. Kohn – There was another proposed project in this area and they drilled two wells. There talking about using them and bring the system up on line.

Mr. Kaplan – Back in 2005 when this was approved, we did not build because there was no economic need and now there is, with the water park and casino being here. Ryan Schock – There is already three projects going up in the village.

PUBLIC COMMENT:

Phil Kavecki, 145 Cold Spring Road. – They just said I live in blight. Chairman Richard McClernon – He was talking about the other side. Mr. Kavecki - They are talking about cutting all my tree's and they are saying we will get better water. My water is fine and my property is depreciating because I'll have no tree's and all these four-story buildings will be around my place. How many units can you put on an acre? Chairman Richard McClernon – They can have 1.9 units per acre put they are asking for 13.

PUBLIC COMMENT CLOSE:

Variance (4): Habitable floor area from required 1,000 square feet to proposed 910 square feet. Jay Mendels – For how many bedrooms? Mr. Kohn – A mix of one- and two-bedroom apartments. They will be from 910 to 1,276 square feet. Jay Mendels – I don't have an issue with the size, it's the minimal and still a good size for an apartment.

Variance (1) Multiple dwelling building length from required 160' to proposed 162'. Jay Mendels – Currently 160' is allowed and 162' is minimal enough and I don't have an issue. Mr. Kohn - The line will not be a straight line. It's has to be staged every 45 feet.

Variance (2) Building height from required 35' to proposed 44.5'. - Jay Mendels – That allows an extra floor, and I don't want to see something that large. Again, the zoning was made for a reason and the reason was so we don't have to address tall building. Mr. Kaplan – Do you have an acceptable height? Jay Mendels – So 35 feet would allow three stories plus you would go down one. Mr. Milowitz – So your saying to make it only 3 floors not 4, then we would be in the code. Jay Mendels – True, no variance required then.

Variance (3) Density per acre from required 1.9 units per acre to proposed 13.84 units per acre. – Jay Mendels – I see things changing here for the positive but I think it's substantial for what is based on today zoning. Paula Kay – Is there another number that works and if you're not prepared that fine. Mr. Milowitz- I'm not prepared, let me go back to my partners and see what we can do. If we took one floor off each building, I don't think that would economically work. Mr. Kaplan – If he went back to his partner and came back with a number less then 13 but more than 1.9 would that work? Paula Kay – Yes, I would suggest you close the public hearing tonight. Anything they come back with will be less and then you can discuss this with the applicant at the next meeting. I think if you can do something with the height that would help. I don't know what the magic number is. Chairman Richard McClernon – I'm thinking less than 8 would work. Jay Mendels – I don't think we should just pull numbers out of the air with out looking at it first.

Chairman Richard McClernon – Could you move some of the buildings? Mr. Milowitz – The building were placed by the design of the land.

Chairman Richard McClernon – Can you relocate the storage unit? Mr. Milowitz – It's a complete building that's enclosed and would be one story high and just for the tenant's storage. Richard Benson – The proposed height on the storage unit and club house would be what? Mr. Milowitz – One story.

A motion to close the Public Hearing and leave the application open was made by Richard Benson and seconded by Jay Mendels
5 in favor; 0 opposed

Appeal by: Jeremiah Faith & Ilaria Mogno

Applicant is requesting area variances from §250-9 of the Town of Thompson Zoning Code for the following purpose: Percentage of lot coverage from required 10% to proposed 11.27%.

Property is located at 1 Morreale Drive, Rock Hill, NY S/B/L: 66.-25-1 in the RR2 zone.
John Morreale, representing the owners

Satisfactory proof of mailing was provided to the Board.

Chairman Richard McClernon – We received a letter from Wolf Lake and they approved the site plan.

Mr. Morreale – We are requesting an area variance of 10% to 11.27% of lot coverage. Chairman Richard McClernon – Looks like you improved the distance in the front to 52 feet and the side is now 32 feet but the main thing is the lot coverage. Jay Mendels – It looks like you went to great lengths to conform to this small property. Mr. Morreale – The original cabin was 5.15% lot coverage.

PUBLIC COMMENT:

Ed De Maio – I own the property downstream from this property. My concerned is about the leach field and my well that borders this property. Paula Kay – The Building Department will review it and make sure it's good. Mr. Morreale – Your well is 40 feet from the edge of the leach field. Mr. Morreale – The

septic system is a Recirculating Sand septic system. Mr. De Maio – There is no variance on the leach field? Paula Kay – If there is an issue with the leach field then the applicant will have to go to the Department of Health. Tim Gottlieb – No, this is a replacement system and New York State Department of Health does not issue waiver or permits for replacement systems. There code say's you have to do the best you can. Mr. De Maio – If he's using the current system then I'm ok with it. Paula Kay – This has nothing to do with us, he will have to talk to the Building Department.

Glen Klodowski, 8 Morreale Drive. - I thought the septic was contingent on the size of the lot. I didn't realize the permit application wasn't pending on the structure on the lot or the septic. Paula Kay – This is not for this Board to decided. Mr. Klodowski – The lot coverage variance is for total pervious coverage of principle building? Chairman Richard McClernon – Just the building. Mr. Klodowski – How do you calculate pervious coverage? Mr. Gottlieb – That has nothing to do with it. we are here for the lot coverage. Mr. Klodowski – Have you designed the house yet? Mr. Gottlieb – We have designed the septic. Mr. Klodowski – The 1.27 percent, where did that come into play, non-conforming? Paula Kay – Because the current square footage is 1,438 and that is 10%, that is allowed. They are asking for a slight tweak of that which is 16.20 which is the additional 1.27.

William Ellison, 16 Morreale Drive. – I'm concerned about the size of this project. The lots are small. Everyone is trying to fit larger houses on these small lots. By the time your done there is no vegetation and we are always trying to keep it more natural. Any increase in the size of the house will take up more land. This is a shared right away and shared dock. If someone comes along and does things that are not right it makes things uneasy. We are just concerned that everything gets done correctly. Jay Mendels – What I see is he's allowed 10 % and he wants 11.27% which is not much. Mr. Ellison – And this is just a house? Chairman Richard McClernon – House and Deck. Mr. Ellison – How much larger than the existing house? Mr. Gottlieb – It's 6.12% larger. Mr. Morreale – In regards to vegetation the only section being disturbed is where the leach field will be. There will still be a buffer between this property and Mr. De Maio's well. Mr. Ellison – I do not believe this map is correct with the well. The well is in the shed. Mr. Gottlieb – This is a new survey. Mr. Morreale – I will check into that.

Paula Kay – We have a letter from Wolf Lake approving this site plan. Mr. Ellison – This is the first time we are being introduced to these new home owners. We only got a letter and have not meet anyone yet.

PUBLIC COMMENT CLOSE:

Jay Mendels – I understand the concerns but they are not what we are addressing here.

Chairman Richard McClernon – As far as the septic the Building Department will make sure everything is in compliance.

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 No.

Chairman Richard McClernon – It won't be undesirable change but it will be change since it's

going to be a newer house.

(3) Whether request is substantial; All voted No

(4) Whether request will have adverse physical or environmental effects; All voted No

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

A motion to approve the applicants request was made by Jay Mendels and seconded by Richard Benson 5 in favor; 0 opposed

Appeal by: Ranch Road Realty

Applicant is requesting area variances from §250-8 of the Town of Thompson Zoning Code for the following purpose: (1) front yard setback required 100' to proposed 45' and (2) side yard setback required 50' to proposed 17'.

Property is located at 304 Ranch Road, Monticello, NY S/B/L: 16.-1-3/16.-1-4 in the RR-1 zone. Joel Kohn, representing the applicant

Satisfactory proof of mailing was provided to the Board.

Mr. Kohn - This property is now a single-family home on a 10.19-acre parcel and they want to combined the property and add 6 homes making this a bungalow colony with 7 units. We need a variance for the changing of use of the property. Paula Kay – The structure is there, but now because it's part of the bungalow colony the setbacks have change and its now non-conforming.

Jay Mendels – Isn't this a non-conforming building anyway? Paula Kay – It's been there since 1900 something, so No. Mr. Kohn - This building is older than Zoning.

Mr. Kohn - Density will be way below. Jay Mendels – Now that it's a bungalow colony are there any future plans for expanding? Mr. Kohn - No. Chairman Richard McClernon – What is the benefit of calling it a bungalow colony? Paula Kay – The house is on its own property, if he combined lots there some kind of tax break. And they can combine any facilities they have. Mr. Kohn - And now they will only have one set of utility used, like water and sewer. Jay Mendels – Even though it's an older house are they still planning on using it? Mr. Kohn - Yes, it's a very nice house. Barbara Strong – It's a very nice house except for the fencing. Jim Carnell – They put the fence up because of the noise and dust from the road.

PUBLIC COMMENT:

No Public Comment

PUBLIC COMMENT CLOSE:

A motion for negative declaration motion under SEQRA was made by Jay Mendels and seconded by Ryan Schock 5 in favor; 0 opposed

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 No
- (3) Whether request is substantial; All voted No

Jay Mendels – It was already there.

- (4) Whether request will have adverse physical or environmental effects; All voted No

- (5) Whether alleged difficulty is self-created;

Richard Benson – They are combining the lots. Chairman Richard McClernon – The building was already there. Jay Mendels – No matter what they do they would have to get a variance for the house. Richard Benson – No it was already existing. Paula Kay – The only reason they need a variance is because they are combining. It has nothing to do with the house.

Richard Benson – This is a use change.

Jay Mendels & Chairman Richard McClernon- Voted No. Ryan Schock, Barbara Strong and Richard Benson Voted Yes.

A motion to approve the application was made by Richard Benson and seconded by Ryan Schock 5 in favor; 0 opposed

Appeal by: Freed's Bungalow

Applicant is requesting area variances from §250-8 of the Town of Thompson Zoning Code for the following purpose: Unit 1-deck front yard from required Front Yard 100' to proposed 48' and side yard from required 50' to proposed 26'. Unit 14 side yard from required 50' to proposed 35'. Unit 15 side yard from required 50' to proposed 35'. Unit 18 front yard from required 100' to proposed 51'. Unit 19 from required Front Yard 100' to proposed 51'. Unit 22-deck front yard from required 100' to proposed 85'. Unit 23-deck front yard from required 100' to proposed 43'. Unit 25'deck front yard from required 100' to proposed 47'. Unit 26-deck front yard from required 100' to proposed 68'. Unit 27-deck front yard from required 100' to proposed 68'. Unit 28-deck front yard from required 100' to proposed 69'. Unit 29-deck front yard from required 100' to proposed 70'. Unit 30-deck front yard from required 100' to proposed 59'. Unit 31-deck front yard from required 100' to proposed 40' and side yard from required 50' to proposed 29'.

Property is located at 506 Old Liberty Road, Monticello, NY S/B/L: 8.-1-47.1 in the RR-1 zone.

Joel Kohn, representing the applicant

Satisfactory proof of mailing was provided to the Board.

Mr. Kohn - There are 41 units right now and they want to demolish a few trailers and put in three duplexes. A few of the existing Two-family bungalows will become single family residence, resulting in a decrease in density. The owner will be removing 5 units making it 36 units total. The variance I requested is because of the shapes of the property. All of the buildings are outside of the setback or in

their required set back from the front and side yard property. The decks are all existing and will not be any closer to the road, they will just be a little larger.

Barbara Strong – I saw the trailer today and they are a mess and really do need to go. Chairman Richard McClernon – Are the fronts of the bungalows any better looking than the view from Fraser Road?

Barbara Strong – I’m hoping that the decks will be an improvement but you can’t see them from the road.

PUBLIC COMMENT:

No Public comment

PUBLIC COMMENT CLOSE:

A motion for negative declaration motion under SEQRA was made by Richard Benson and seconded by Ryan Schock

5 in favor; 0 opposed

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 No

Richard Benson – I think it’s an improvement.

(3) Whether request is substantial; All voted No

Jay Mendels – Just because it’s already there.

(4) Whether request will have adverse physical or environmental effects; All voted No

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

Chairman Richard McClernon – Can we send a not to the Planning Board stating that now that the Bungalows along Fraser have nice decks can we get the road side of the units to be painted/spruced up to match the new buildings.

A motion to approve the requested variances was made by Ryan Schock and seconded by Richard Benson

5 in favor; 0 opposed

Appeal by: Alper Ademoglu & Salih Gazioglu

Applicant is requesting area variances from §250-9 of the Town of Thompson Zoning Code for the following purpose: (1) front yard setback required 50’ to proposed 34.69’ and (2) rear yard setback required 50’ to proposed 48.58’.

Property is located at Mongaup Road, Monticello, NY S/B/L: 56.-14.17 in the RR-2 zone.
Salih Gazioglu, owner

Satisfactory proof of mailing was provided to the Board.

Mr. Gazioglu – Nothing has changed since a few month ago. The variance has expired so I’m back. Jay Mendels – Why did you not start the work? Mr. Gazioglu – We were in talks with contractors but never made an agreement so we didn’t start the construction, but now we are ready to go. Richard Benson – Is there any changes to the building? Mr. Gazioglu – In terms of the variance No. The roof is more slopped now but that’s it. Richard Benson – And total height is the same? Mr. Gazioglu – Yes.

Jay Mendels – We approved it because of the shape of the property. Mr. Gazioglu – And because of the power line.

PUBLIC COMMENT:

No public comment

PUBLIC COMMENT CLOSE:

AREA VARIANCE CRITERIA:

(1) Whether benefit can be achieved by other means feasible to applicant; All voted No

Chairman Richard McClernon – Because of the electrical line and shape of the property.

(2) Undesirable change in neighborhood character or to nearby properties; All voted No

(3) Whether request is substantial; All voted No

(4) Whether request will have adverse physical or environmental effects; All voted No

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

A motion to approve the application was made by Richard Benson and seconded by Ryan Schock
5 in favor; 0 opposed

Appeal by: Kiamesha Owners Corp #8

Applicant is requesting area variances from §250-10 and §250-34D (6) of the Town of Thompson Zoning Code for the following purpose: All bungalows shall be separated from adjoining bungalows from required 25’ to proposed 14.9’.

Property is located at State Route 42, Monticello, NY S/B/L: 10.-6-2.2 in the HC-1 zone with central water/sewer.

Alan Fishman, representative

Satisfactory proof of mailing was provided to the Board.

Mr. Fishman - This is a replacement deck and they added about 1 ½ foot on the new deck. The distance is now 14.9 feet and the requirement is 25 feet. Not making substantial but not meeting the code.
Richard Benson – What was it originally? Paula Kay – It was 16.5 feet. Mr. Fishman – They are all starting to realize they need to do this the correct way first time around. Paula Kay – Logan Morey wrote nine violations for building without permits. Mr. Fishman – This and the next applicant thought they had legit contractors but they did not. I always tell them to do it right the first time because they will always get caught.

PUBLIC COMMENT:

No public comment

PUBLIC COMMENT CLOSE:

Jay Mendels – What are the penalty's involved? Paula Kay – Building without permit fee for each violation. And then we are working on fines that I proposed. The proposal is \$250 per day X 9 = \$2,250 and I think we did two days. Jay Mendels – Hopefully they will know better for the future.

A motion for negative declaration motion under SEQRA was made by Jay Mendels and seconded by Ryan Schock
5 in favor; 0 opposed

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 No

(3) Whether request is substantial; All voted No

Richard Benson – It's substantial since they didn't get a permit. Jay Mendels – If they would have come to us, I would have still said No

(4) Whether request will have adverse physical or environmental effects; All voted No

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

A motion to approve the application was made by Richard Benson and seconded by Ryan Schock
5 in favor; 0 opposed

Appeal by: Kiamesha Owners Corp #22A

Applicant is requesting area variances from §250-10 of the Town of Thompson Zoning Code for the following purpose: one side yard setback with w/s required 50' to proposed 47.5'

Property is located at State Route 42, Monticello, NY S/B/L: 10.-6-2.2 in the HC-1 Zone with central water/sewer.

Alan Fishman, representative

Satisfactory proof of mailing was provided to the Board.

Mr. Fishman – This is the same scenario and it might have been the same contractor. The property line is past the fence, so he gained a couple of feet. He thought the property line was the fence. We need the 50-foot setback. Paula Kay – This is a side yard requirement which I think is less of an issue than the setback from building to building. Each application will pay a building without permit fee when getting there permit and the Kiamesha Corp will also get a fee.

PUBLIC COMMENT:

No Public Comment

PUBLIC COMMENT CLOSE:

A motion for negative declaration motion under SEQRA was made by Ryan Schock and seconded by Richard Benson
5 in favor; 0 opposed

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 No
- (3) Whether request is substantial; All voted No
- (4) Whether request will have adverse physical or environmental effects; All voted No
- (5) Whether alleged difficulty is self-created; All voted Yes

A motion to approve the application was made by Richard Benson and seconded by Ryan Schock
5 in favor; 0 opposed

A motion to close the meeting at 8:44 pm was made by Richard Benson and seconded by Jay Mendels
5 In favor; 0 opposed

Respectfully submitted,



Debbie Mitchell
Secretary
Town of Thompson Zoning Board of Appeals