

TOWN OF THOMPSON
ZONING BOARD OF APPEALS
Tuesday, June 11, 2019

IN ATTENDANCE:	Chairman Richard McClernon	Richard Benson
	Robert Hoose	Jay Mendels
	Ryan Schock	Danielle Jose-Decker, Alternate
	Barbara Strong, Alternate	
	James Carnell, Director of Building/Planning/Zoning	
	Debbie Mitchell, Secretary	

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

A motion to approve the May 14, 2019 minutes was made by Jay Mendels and seconded by Ryan Schock
5 in favor, 0 opposed

Appeal by 4020 State Route 42 Realty, LLC

Applicant is requesting area variances from §250-11 and §250-21(B)(4) of the Town of Thompson Zoning Code for the following purpose: 1) increasing a non-conforming structure to proposed 150 square foot addition on north façade of building 2) large canopy front yard setbacks from required 50' to proposed 10.1' 3) small canopy front yard setback from required 50' to proposed 25.7' and 4) small canopy rear yard setback from required 50' to proposed 18.9'.

Property is located at 4370 State Route 42, Monticello, NY S/B/L: 13.-3-39 in the HC-2 zone with central water/sewer.

Vincent Luong, contractor

Satisfactory proof of mailing was provided to the Board.

Mr. Luong - This site was already approved but the variances expired. Everything is remaining the same, the only difference is that the fuel tanks and the ID sign were relocated on the approved site plan.

Jay Mendels – I just want to note that the plan we have here tonight is not updated. Mr. Luong hand's out the most current plan.

Jay Mendels –The traffic pattern you have proposed is great, however, how do you plan on enforcing people to use it correctly? Mr. Luong – We can be really mean and put in spikes! Richard Benson – Good signage would be helpful. Jim Carnell – They did talk about this at the Planning Board and the DOT does not want signage, just arrows. Mr. Luong – That is correct, no signage. We are going to paint arrows on the ground to show them which way to go. I could have made the curve cut for just right-hand turns but DOT did not approve that.

Richard Benson – The sign for the right away will be too far away and useless. Maybe a lower sign would work. Mr. Luong – I can put a sign onto the utility pole, no left turn. Jim Carnell – Again they talked about it at the Planning Board and they went around and around with the DOT about these signs. Mr. Luong - The approved site does not have a drive-thru. I have to do a drawing for construction because they are not using the well anymore. Now the water supply is coming from the Shop Rite Mall.

Chairman Richard McClernon – The counties 239 was local determination.

Jim Carnell – The Town Board adopted the counties local law. There will be a standardized list of things exempt from a 239 and most of the things you will be doing will be on that list.

PUBLIC COMMENT:

No Public Comment.

PUBLIC COMMENT CLOSE:

A motion for negative declaration motion under SEQRA was made by Ryan Schock and seconded by Robert Hoose
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 Jay Mendels – It will be an improvement.
- (3) Whether request is substantial; Chairman Richard McClernon, Ryan Schock and Robert Hoose voted No. Jay Mendels and Richard Benson voted Yes.
- (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 all variance was made by Ryan Schock and seconded by Robert Hoose
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.

This application was left open since last month and no one showed up tonight.

A motion to close this Public Hearing was made by Ryan Schock and seconded by Robert Hoose

5 in favor; 0 opposed

Appeal by Khaled Hamouda

Applicant is requesting area variances from §250-16B of the Town of Thompson Zoning Code for the following purpose: (1) accessory building closer to the road than the main dwelling.

Property is located on Maplewood Garden Road, Monticello, NY S/B/L: 11.-1-18.1 in the RR1 zone.

Khaled Hamouda, applicant

A motion to re-open the hearing was made by Richard Benson and seconded by Ryan Schock

5 in favor; 0 opposed

Mr. Hamouda – I’m talking to the bank and everything is ready once the land gets cleared. Chairman Richard McClernon – Is it all cleared? Mr. Hamouda – Part of it is, but I stopped working on it once I got the violation notice.

Mr. Hamouda show the Board the map of where the camper is.

Chairman Richard McClernon – What size will the shed be? Mr. Hamouda – It’s the smallest I can get to store my tool in and I will remove the camper.

Jay Mendels – You’re going to remove the camper once the shed is built? Mr. Hamouda – Yes.

Chairman Richard McClernon – You will have to build the shed behind the future house. Richard Benson – Do you have a plan on where the house will be going? Mr. Hamouda – I have a plan. I’m working now to clear the land myself since it is very expensive to hire someone. I plan on building a two-bedroom house in the future.

Chairman Richard McClernon – How long before you start building the house? Mr. Hamouda – About two years since I can’t do the work in the winter. Chairman Richard McClernon – That’s longer then the boards would like. Mr. Hamouda – I’m doing it myself on weekends and I’m not going to be able to work during the winter.

Richard Benson – Is the camper not permitted or not permitted to live in? Jim Carnell – It’s the same thing, in order to have the camper on the property you need to have a primary use. The camper would be the accessory.

Jim Carnell – I wasn’t here last month but according to the minutes only one person spoke and they were in favor of the applicant. The question was could you approve the shed because of the wording on the application and the public notice, since it’s not an accessory, it’s a shed. Paula Kay was going to

determine if he had to reapply, and she didn't say anything about you not acting on this tonight when we talked.

Richard Benson – Is there a separation between an accessory building and a shed? Jim Carnell- You can have an accessory building up to 144 square feet without a permit. A building that is from 144 square feet up to 400 square feet is still a shed. Larger than 400 is considered a garage. It's still an accessory to the primary use, but you would have to maintain whatever setback the house would need. But still needs to be 10 feet from the property lines and 10 feet from any other structure. Jay Mendels – What if there is no building on the grounds? Jim Carnell – That is why we are all here.

Danielle Jose-Decker – The board wanted a time line and a map where the shed & camper will be. Chairman Richard McClernon – There is a map but no shed shown. Richard Benson – Mr. Hamouda does not know where the shed is going to go. Mr. Hamouda show the Board where he plans on putting the shed. Richard Benson – My suggestion is to put it ten feet off the property line and behind where the house is going to go. This way you will have no issues.

Jim Carnell – You're good for six months with an approval from the Board and then in six month you can come back and the code enforcement can then extend it for another six months, so he can get his house started. Jay Mendels – Is there any benefits for him to keep it under 144 square feet? Jim Carnell – He wouldn't need a building permit.

Mr. Hamouda – I can't build in the winter. Jim Carnell – Know that the six months start with the approval and then you will have to get the extension after six months. And make sure to get the building permit with in that year for the house.

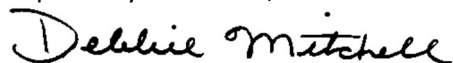
Jay Mendels – We are requiring you to keep the shed small, 12 x 12 or less. Chairman Richard McClernon – And it will need to be 10 feet from the property line and within six months to a year you have to remove the items or secure the building permit for the house. Mr. Hamouda – Do I need to remove the camper with in the year? Jim Carnell – If you can secure the building permit for the home then no.

A motion to approve a six-month variance for the camper, to build a 12 x 12 shed that meets setback requirements, can renewed after six months and if it's not renewed then he will have to remove the camper and shed was made by Richard Benson and seconded by Jay Mendels.

5 in favor; 0 opposed

A motion to close the meeting at 7:28 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