

TOWN OF THOMPSON
ZONING BOARD OF APPEALS
Tuesday, January 14, 2020

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

Absent: Robert Hoose and Danielle Jose-Decker

Chairman Richard McClernon appoints Barbara Strong to replace 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 10, 2019 minutes was made by Jay Mendels and seconded by Richard Benson
4 in favor, 0 opposed

RICKY CABRERA

Applicant is requesting area variances from §250-9 of the Town of Thompson Zoning Code for the following purpose: (1) Garage setback from rear yard required 25' to proposed 1.1' (2) Garage setback from side yard required 25' to proposed 8.7' (3) Accessory structure setback from rear yard from required 10' to proposed 3.9'.

Property is located at 108 Gregory Road, Monticello, NY S/B/L: 56.-1-10.3 in the RR2 Zone
Ricky Cabrera, applicant

Satisfactory proof of mailing was provided to the Board.

Mr. Cabrera – I've lived here for 31 years and the plan was to buy the half an acre next door from Mary Macedonia and now I can't buy it because Mary is in a nursing home. So now I have to take down my two building and the front part. Paula Kay – Were these built without building permit? Mr. Cabrera – Yes, I was told that pole barn's and sheds no bigger than 12' x 12' needed permits and this is going back to the Eighty's. Jay Mendels – They were built in 1988/1989? Mr. Cabrera – Yes. Paula Kay – If you would have come in for a permit then you would have know about the property line. Chairman Richard McClernon – So the only thing left will be the long Garage building and a pole building. Jay Mendels – Nothing is enclosed. And you said you have plans showing that it is structurally sound? Jim Carnell – Yes, we have as built plans. Jay Mendels – When it was built? Jim Carnell – No more recent. Paula Kay – Anything taken down yet? Mr. Cabrera – Yes, started today.

Chairman Richard McClernon - No other violation? Jim Carnell – None. Jay Mendels – It looks like it all borders' woods. Mr. Cabrera – Woods and fields with No buildings.

Richard Benson – The structures are not on permanent structures? Mr. Cabrera – Correct just on cinder blocks.

PUBLIC COMMENT:

Tom Manza and Maryann Macedonia Manza – Mr. Cabrera has always been friendly with Mary. I'm here to see if there will be any structures on our property. Paula Kay – The purpose of this is to remove every think that's over the property line. He needs a variance because he is close to the property line. Jim Carnell – There is also a copy of the survey if you want to see it. Mrs. Manza – Could you explain the variance? Chairman Richard McClernon - The town code has setback for the rear and sides of the structure. The rear side of the structure was over the property line. It normally it should have to be 25' away from the property line. When Mr. Cabrera had it surveyed it showed the buildings were over the property line and now that he's selling it, he needs to take the building down. Will the Town go out afterwards to make sure everything has been taken down? Jim Carnell – Yes, because he needs a certificate for the existing structure that is remaining. Paula Kay – There should be a time line on how long it takes to remove everything. Mr. Cabrera – The only issue I will have is that it is winter now.

Mrs. Manza – If he's coming too close to our property line what is the liability if the new owners have to come onto our property? Paula Kay – The new owners can't be on your property, that is trespassing. Mrs. Manza – If a fence needs to be put up can they. Jim Carnell – The fence can be put on the property line and there will be no variances for that. Paula Kay – It's surveyed now so; you should see stakes where the property lines are now. Mrs. Manza – And will someone come and make sure everything is cleaned up? Paula Kay- Yes.

Musa Kukaj – I understand that he is going to be close to my property by 1.1 foot? Mr. Cabrera – No that the other side. Paula Kay shows Mr. Kukaj the site map and where his property is located. Mr. Kukaj – So this doesn't affect me, thank you.

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 No
- (3) Whether request is substantial; All 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 three requested variances with a stipulation that everything being taken down will be done on or before April 30, 2020 or prior to the closing date of the sale of the property and

everything is removed and the property is restored to its's natural condition was made by Barbara Strong and seconded by Jay Mendels
4 in favor; 0 opposed

MITCHELL MATTISON

Applicant is requesting area variances from §250-16 of the Town of Thompson Zoning Code for the following purpose: Accessory structure height from required 15' to 17'.

Property is located at 336-394 State Route 17B, Monticello, NY S/B/L: 12-1-58 unit 25 in the CI Zone.
Mitchell Mattison, applicant

Satisfactory proof of mailing was provided to the Board.

Mr. Mattison – I spoke to someone about the shed and there was a miscommunication about the height of it maybe by me I'm not sure. I was told a 12' x 12' building could be built without a permit or any effect on my taxes and my intention was to build within those restricting so I wouldn't have any issues. I built it a little higher than 12 feet. Structurally it is very solid. It looks very large but the back side of the shed is higher because the back of the property is not flat. Jay Mendels – There was no issues with the placement correct? Jim Carnell – Correct. Mr. Mattison – I have it build on top of 16' x 16 blocks that are filled with cement. Jay Mendels – It has a second floor? Mr. Mattison – it's not really a second floor it's a barn style. I'm just trying to get some storage, I live in a mobile home. I didn't intend to violate any codes.

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
- (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 requested variance was made by Jay Mendels and seconded by Richard Benson
4 in favor; 0 opposed

ENRIQUE DEJESUS

Applicant is requesting area variances from §250-8 of the Town of Thompson Zoning Code for the following purpose: Pool setback from required 25' to proposed 16'.

Property is located at 212 Rock Ridge Drive, Monticello, NY S/B/L: 13.-3-11 in the RR1 Zone.

Enrique DeJesus, applicant

Satisfactory proof of mailing was provided to the Board.

Mr. DeJesus – I put a pool up and didn't know you need a permit for an above ground pool. I didn't know anything about a set back either. Chairman Richard McClernon – You should just stop in the building Department and check before you build anything. Jay Mendels – When did it go up? Mr. DeJesus – Towards the end of the summer. Jay Mendels – It's been used? Mr. DeJesus – Yes.

Paula Kay – Does it have a fence? Chairman Richard McClernon – He has a partial fence since he didn't want to start then have to take it down. Jay Mendels – Why not put it in the back yard? Mr. DeJesus – The back yard is very wet.

Jay Mendels – No other issues Jim? Jim Carnell – None. Richard Benson – No deck on the pool? Mr. DeJesus – Just a very small one with a safety gate on it.

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 wet land, slope and septic Mr. DeJesus couldn't put the pool in the back yard.
- (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 variance was made by Richard Benson and seconded by Jay Mendels
4 in favor; 0 opposed

A motion to close the meeting at 7:32 pm was made by Richard Benson and seconded by Jay Mendels
5 In favor; 0 opposed

Respectfully submitted,

Debbie Mitchell

Debbie Mitchell

Secretary

Town of Thompson Zoning Board of Appeals