

need approval from the DEC, DOH and County DPW. I believe they have met the NFPA standards. Mr. Smith – For the separation for a gas tank to a property line? Jim Carnell – Yes. Mr. Smith - It's about 10 feet to the property line.

Chairman Richard McClernon – The counties 239 was received and it was for local determination.

Paula Kay – There was a letter today from the attorney of the adjoining property owners, Monty Alpha LLC and 2M Development LLC. The letter talks about process issues, and one of them was that his client didn't get his notice until June 5, 2020. I know Mr. Smith did his mailing on May 29, 2020. I'm concerned that the neighbor did not get a lot of time to review the application. Since the Town Hall just opened today it would have been difficult. The other letter we got was from the neighbor's engineer, Pietrzak & Pfau with issue that they are raising. Mr. Smith - The letter from Pfau questions the septic system and whether the adjacent wetland is a DEC wetland and it is not; it is an Army Corp wetland. I have a lot more planning to be done. I will have his issues address in the Planning Board process. Paula Kay – Some of them have to do with issue with due process in front of the Zoning Board (ZBA). I don't see that the neighbor is here. Looking at the letter it seemed that they thought that they didn't have an opportunity to address the board so they sent in a letter and it's a shame since they could of actually spoke tonight.

Jay Mendels – Is there six gas pumps going in? Mr. Smith - There will be three gas islands with at least two pumps on each. Jay Mendels – How many are there now? Jim Carnell - Currently there are two on the Rose Valley side and a kerosene pump on the other side.

Robert Hoose – Was there no written comment? Paula Kay – Yes, we got them today at 4:30 pm. It was from the adjacent neighbor, it's four pages long. Robert Hoose – Did he give any reason why he is against it? Paula Kay – Yes. The meet of it is, that the extent of the variance is so excessive as to constitute a rezoning of the property, the lot area variance to 16,553 square feet while the Zoning Code requires a minimum lot area of 40,000 square feet, a reduction of approximately 60%. Most important setback Aero is requesting that the Rear Yard Setback requirement of 50 feet by reduced 40 feet to 10 feet, a reduction of 80%. Thus, the building to be constructed will be located right on top of the property line with our adjoining property. Such excessive variances should not be granted and will set a very troubling precedent for future variances. He's concerned about the location of the leach field, the adjacent to Wetlands. Which Mr. Smith remarked on that. And a letter from the Engineer talked about it. Concerned about Runoff, Service Station adjacent to Wetlands, and he is claiming that the application fails to meet the requirements for erection of a new gasoline pumping facility.

Chairman Richard McClernon reads through the Engineers letter. It talks about the well and septic and is looking for a verification that the adjacent wetlands are not NYSDEC regulated.

PUBLIC COMMENT:

Martin Wydra – I wanted to know if you can tell me where the current septic and well is now in aspects of where they are going. Mr. Smith - There is a small septic system at the rear of the building and is close to the property line. It will go to the back-right side. The well is inside the building and they will

be drilling a new one. Mr. Wydra – How many pumps? Mr. Smith – We are putting in three islands with two pumps on each with a total of six and currently I don't know how many. Mr. Wydra – We are concerned about the leach field being at the edge of our property and the view from our property to the back of the gas station. The setback, wetlands and if there are any oil leaks there now and how it will affect our property. Worried about the storm water runoff. How will the board keep us protected environmentally? Mr. Smith - The DEC will be very involved with the removal of the old tanks and the installation of the new ones. Mr. Wydra – Since I only had a short time to look at the application, I'm hoping you would take that into consideration as these are significant variances.

Jay Mendels – Did they give any thoughts about just revamping what is already there? Mr. Smith - It's not worth it to revamp the existing building. They want to redo the gas tanks and gas pumps. Chairman Richard McClernon – Has anyone asked if they could make the building smaller? Mr. Smith - No one has asked that yet. Jim Carnell – It does seem as if there are a lot of variances, which there are. We made you make each of the items their own variance in the event something needs to be moved or made smaller. We should do a break down of what is existing and what is needed. This might make it easier for the board. Mr. Smith - I can do that.

A motion to hold open the public comment and the application until next meeting was made by Jay Mendels and seconded by Richard Benson
5 in favor; 0 opposed

THE ORCHARD @ TOWNER FARM, LLC

Applicant is requesting an Area Variance from §250-11 of the Town of Thompson Zoning Code for the following purpose: Front yard setback from required 50' to proposed 43'.

The property is located at 110 Cimarron Rd, Monticello, NY S/B/L: 31.-1-75 in the HC2 zone.
Glenn Smith, Engineer

Barbara Strong recused herself from this application as a voting member.

Mr. Smith - This is the CES All Gas and Welding Company and they will be relocating the All Gas a Welding Company to this location. They will have some tanks for oxygen and welding supplies. They want to put a 40-foot addition on the east side of the building which is the Bridgeville side. Right now, the existing building does not meet the setback to the Route 17 bound. It is supposed to be 50 feet. We can't increase the nonconforming with the new addition. We are asking for an area variance for the required 50' to the proposed 43'.

Chairman Richard McClernon – We received the County's 239 and it is local determination.

Mr. Smith - The exterior siding is going to be a light gray color. We are putting trees and shrubs along the Route 17 side and some signage.

Jay Mendels – The proposed addition is not enclosed correct? Mr. Smith – It is three sided, the north side facing Cimarron Road will be open. It's going to be a loading dock for the trucks.

Jay Mendels – The new addition will look like the existing building? Mr. Smith - Yes.

Chairman Richard McClernon – Will there be a lawn in front of the building and on the sides? Mr. Smith - On the Cimarron side will have gravel parking lot, closer to Route 17 will be lawn and woods.

PUBLIC COMMENT:

No Public Comment

PUBLIC COMMENT CLOSE:

A motion to close the Public Hearing was made by Robert Hoose and seconded by Richard Benson
4 in favor; 0 opposed

A motion for negative declaration motion under SEQRA was made by Richard Benson and seconded by Jay Mendels
4 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 variance was made by Jay Mendels and seconded by Robert Hoose
4 in favor; 0 opposed

17 DOWNS LLC

Applicant is requesting an Area Variance from §250-22C, §250-8 and §250-21B(3) of the Town of Thompson Zoning Code for the following purpose: (1) Required parking spaces from 78 spaces to proposed 63 spaces (2) front yard setbacks for bungalows from required 100' to proposed 30' and (3) applicant is seeking an interpretation for §250-21B(3) and (4).

The property is located at 5-17 Downs Rd, Monticello, NY S/B/L: 23.-2-54.1 in the RR1 zone.
Joel Kohn, representative

Barbara Strong recused herself from this application as a voting member.

Chairman Richard McClernon – The application has withdrawn the variance for the parking spots.

Mr. Kohn - This is an existing Bungalow colony on 17 Down Road. They are proposing to combine some of the units and add 14 duplexes. We originally wanted 63 parking spaces instead of the required 78. But we have withdrawn that variance and will be doing the 78. We are here for tonight for a variance for the community building. It is currently 20 feet from the property line. They propose to demolish and build a new building slightly larger. We are looking for either an interpretation of the code or a variance for the community center. Chairman Richard McClernon – To move it back we would need a variance. Paula Kay – Town Code §250-21B(3) is a nonconforming building or structure may be restored but not enlarged after damage by fire, accident or other act by God, and that is not the issue here. Mr. Kohn – Correct. I believe it's §250-21B(4) that applies. Paula Kay – Town Code §250-21B(4) is a Normal maintenance and repair, alteration, reconstruction or enlargement of a building which does not house a nonconforming use but is nonconforming as to district regulations for lot area, lot width, front, side or rear yards, maximum height and lot coverage is permitted if the same does not increase the degree of, or create any new, nonconformity. As Jim Carnell said in the work session it actually decreases the nonconformity. Chairman Richard McClernon – We still need the variance since it's a nonconforming new building? Mr. Kohn - According to B(4) we don't need a variance. Paula Kay – If you are decreasing the nonconformity you won't need a variance. Jim Carnell – The current building is nonconforming as of today. If they wanted to do an addition to it, that would expand the nonconformity then yes, they would need a variance. But since they are destroying it and rebuilding further from the property line, they are now decreasing the nonconformity. They would not need a variance. However, it was a question asked by the Town Planner looking for a verification. Richard Benson – Is the building going to be the same height and square foot? Mr. Kohn - Same height but it's a 200 square foot now and it will be 300 square foot. Chairman Richard McClernon – They are increasing the size! Paula Kay – But this code address the enlarging of a building and it does not need a variance. Richard Benson – I agree, no variance.

Jay Mendels – Doesn't that come in front of us all the time where people are increasing the size of a nonconforming building? Paula Kay – They are actually moving the building back which makes the nonconformity decreasing.

PUBLIC COMMENT:

Carrie Simpson, 23 Raymond Lane. - As of now they only want to change the building down by the road. What other things are being voted on tonight? Is there anything about the parking lot or adding any building in the back of the property? Paula Kay – Nothing else. Chairman Richard McClernon – That will be a planning Board issue and if there is a Public Hearing you will get a notice just like you did for tonight's meeting. The only thing we have tonight is the Community Building and Parking and they are now doing what is required for the parking. Ms. Simpson – Are you they changing anything with the parking lot tonight? Chairman Richard McClernon – No. Paula Kay – The amount of parking they are going to have is what our town requires. Ms. Simpson – They are not going to do any things on the back of the property as of right now? We are concern that they are coming to close to the property line of those people on Raymond Lane. And that they are talking to other home owners about buying their places and increasing their property. We have been living here for years. We don't mind being a neighbor but we don't want to be taken advantage of. I submitted an e-mail along with 3 other family

on Raymond Lane. We want to make sure everything is done fairly and safely. Chairman Richard McClernon – If they do decide to do some building in the back of the property then it will have to go in front of the Planning Board and if there is a public hearing you will be notified. Ms. Simpson – What about the traffic that this can create along with the ARC, CES moving in and REA Ford. Chairman Richard McClernon – That is a planning board issue, your concerns have to be addressed there.

Anthony Simpson – We live on a Private right away that is owned by Raymond Smith. There is a property off the right away that connects to their property. If they buy the property will that give them access to our right away? Paula Kay – Only if the deed gives them access. Mr. Simpson – We know that the guy on the corner has already been approached about selling it. And we are concern about people coming in and out of our road. Paula Kay – You need to look at the language in your property’s right away in regards to the maintenance and who has access.

Chairman Richard McClernon – Read’s a letter from Eric Plays COD. The letter represents Carrie Simpson, Ray and Cora Smith, Albert Rosa and Robert Smith. They are all against the zoning changes. They are concern that these changes will affect their property values, quality of life, as well as numerous environmental issues. He also read a letter from Mike Taylor, owner of CES. Mike has no objections and is glade to have them as neighbors.

PUBLIC COMMENT CLOSE:

A motion to close Public Hearing was made by Richard Benson and seconded by Robert Hoose
4 in favor; 0 opposed

A motion was made that by review of §250-21b(4) no variances was required was made by Robert Hoose and seconded by Richard Benson
3 in favor; Robert Hoose, Richard Benson, Chairman Richard McClernon
1 opposed Jay Mendels

CALCUTTA, INC

Applicant is requesting an Area Variance from §250-8 and §250-16 of the Town of Thompson Zoning Code for the following purpose: (1) Front yard setback (Lakeside) required 50’ to proposed 42.83’ (2) accessory structure setback to main structure from required 10’ to proposed 6’ and (3) percentage of lot coverage from required 10% (existing = 10.56%) to proposed 11.56%.

The property is located at 104 North Shore Rd, Rock Hill, NY S/B/L: 36.-6-10 in the RR1 zone.
Carolyn Clark, owner

Ms. Clark – We would like to add a second story addition to the existing addition. We want to include a staircase to get to the second floor and then there is the coverage for the porch as you enter into the camp. That requires the 6’ variance from the required 10’ setback. The coverage area is due to the putting in of the staircase from the 10.56% to the 11.56%. We are going to take out the variance request for the front yard setback, since that does not conform to the lakes 50’ setback. The existing property is 44.50 from the front of the lake, that was done before we owned the property. That was a

deck that was put on. Do you have to approve an old variance before the new one? Chairman Richard McClernon – You are withdrawing the 42.83? Ms. Clark – Yes. You got the original disapproval from Wanaksink Lake and did you get the approval for the 2nd and 3rd variance that was sent over today from Wanaksink Lake? Ms. Clark shares the letter with the Board.

PUBLIC COMMENT:

No Public Comment

PUBLIC COMMENT CLOSE:

A motion to close the public comment was made by Robert Hoose and seconded by Richard Benson
5 in favor; 0 opposed

Chairman Richard McClernon – The application removed the 1st variance for the Front yard setback (Lakeside) required 50' to proposed 42.83'. We will be voting on the (2) accessory structure setbacks to main structure from required 10' to proposed 6' and (3) percentage of lot coverage from required 10% (existing = 10.56%) to proposed 11.56%.

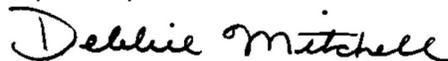
AREA VARIANCE CRITERIA:

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

A motion to close the meeting at 8:26 pm was made by Jay Mendels and seconded by Richard Benson
5 In favor; 0 opposed

Respectfully submitted,



Debbie Mitchell
Secretary
Town of Thompson Zoning Board of Appeals