

TOWN OF THOMPSON
ZONING BOARD OF APPEALS
Tuesday, January 12, 2021



IN ATTENDANCE: Chairman Richard McClernon Richard Benson
 Jay Mendels Barbara Strong
 Sean Walker
 Paula Elaine Kay, Attorney
 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 December 8, 2020 minutes was made by Richard Benson and seconded by Jay Mendels

5 in favor, 0 opposed

Applicant: Gladys Bonilla Edgardo Sanchez

Applicant is requesting an Area Variance from §250-12 of the Town of Thompson Zoning Code for the following purpose: (1) Accessory building (log structure) without a main structure (2) Accessory building (metal structure) without a main structure.

This property is located at Maplewood Garden Rd, Monticello, NY S/B/L :12.-1-60.6 in the CI zone
Gladys Bonilla, Owner

A Satisfactory proof of mailing was provided to the Board.

Ms. Bonilla – We handing in our house plans last month, tomorrow I have a meeting for the septic system to get our blue prints and that is the last thing we need to do so we can get our building permits. We were told to put in for a variance for the metal shed. The log structure was there when we bought the property, we then put the metal shed there to store our tools. Chairman Richard McClernon – Will you have the house done by this spring? Ms. Bonilla – No, probably not for at least a year to a year in a half. We should have the structure up by maybe October. Paula Kay – Who is preparing you permit application? Ms. Bonilla – I don't have a contractor; my husband is doing it from the ground up. The well is going in through Northeast Septic system, electricity is being done by another company and the septic will be done after the blue prints are done. The house will be done by my husband and the foundation will most likely get done by E Tetz and Sons. Chairman Richard McClernon - How long before the foundation is ready to start? Ms. Bonilla – It will be ready to start Mid July end of August.

Jay Mendels – The existing structure that was there, is that large enough to commentate your need?

Ms. Bonilla – The door does not work for the heavier equipment. We put the shed up for that stuff.

Paula Kay – After you get the CO will you remove the metal structure? Ms. Bonilla – Once the house is up, we will be taking it down.

PUBLIC COMMENT:

Michael Miller, 125 Scotland Hill Road, Chestnut Ridge NY - I'm president of the bungalow colony that joins this property and want to know if this is a full time resident? Ms. Bonilla – Yes

PUBLIC COMMENT CLOSE:

A motion to close the Public Hearing was made by Barbara Strong and seconded by Richard Benson 5 in favor; 0 opposed

Chairman Richard McClernon – Do we want to put a time limit on the building permit?

Jay Mendels – Well nothing is really going on now because it's winter. Richard Benson – One they get the permit they have 6 months to start.

Jim Carnell – You could make a condition on the building permit.

Jay Mendels – Sounds like they have everything they need to go forward and I wouldn't have an issue with put in a condition for the building permit. Richard Benson – I agree and they said they want to remove the metal building.

Paula Kay – How about after the CO they have 3 months to remove the metal shed?

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 with the condition that the building permit is within 6 month and the metal shed is removed within 3 months after the CO is issued was made by Jay Mendels and seconded by Sean Walker
5 in favor; 0 opposed

Applicant: BASHKIM TAKU

Applicant is requesting an Area Variance from §250-16B of the Town of Thompson Zoning Code for the following purpose: Accessory structure closer to the road than the primary structure.

This property is located at 3 The Curve, Rock Hill, NY S/B/L: 55.-3-15 in the SR zone W/S
Oltjon Taku, Owner

Mr. Taku - We have a corner lot with a shed that originally was placed in the back yard. Our neighbor asked that we move it, so we moved it to the side of the house. Since it's a corner lot it has two front lots. Right now, the shed is 10 feet from the building and 10 feet from the property line, but because it's a corner lot it's too close to the road. Chairman Richard McClernon – What was the complaint with it being in the back yard? Mr. Taku – That it obstructed their view.

Paula Kay – I'm looking at the affidavit that you signed and it says the notices about the Public Hearing was mailed on January 8, 2021, so they were not mailed out in time. You may have to hold this application open. Chairman Richard McClernon – Did you mail these letters out on the 8th of January? Mr. Taku – Yes, we didn't get the mailing list until the end of December and we couldn't do the certified mailings until January because of the holidays. Paula Kay – They did not have to be certified mailed but they needed to be mailed 10 days before the meeting. Mr. Taku – The instruction I got said they need to be certified. If I would have known I would have just mailed them out.

Chairman Richard McClernon – We will keep this open until next month in case someone didn't get the mailing yet.

PUBLIC COMMENT:

Chet Krinsky, 26 High View Terrance, Rock Hill - There was a new shed that you constructed in the back yard, In a different space where the old shed was? Mr. Taku – Yes. Mr. Kinsky - Why? Mr. Taku – Because the neighbor asked us to move it. Mr. Kinsky – I just wanted to know why he moved the shed. Chairman Richard McClernon – It was requested by the neighbor because it was blocking their view. Mr. Kinsky - So in the goodness of your heart you moved it for your neighbor's view? Mr. Taku – Yes, originally, he didn't have an issue with it. But once he saw it, he changed his mind. Mr. Kinsky - I don't understand why they would reposition it in an illegal place on their property. Chairman Richard McClernon – There house has two front yards so the only good place was in the back yard. Where he has it know it is good for The Curve Road but not for the Lake Shore Drive. He just happens to be one of those unlucky homeowners who have a corner lot. Mr. Kinsky – Are they compliance with the Homeowners Association? Chairman Richard McClernon – They should go by the Town rules but they have their own rules and we can't answer that question.

Camille Johnson, 193 Lake Shore Drive, Rock Hill - I'm the president of the Homeowners Association and live across the street. The neighbor complained to the Homeowners Association that the shed was on his property line. We asked to have the shed moved. The applicant moved it to the current place. There was a shed there originally and they replaced it. After they replaced the shed, I told them they needed to have the shed 10 feet of the property line. We do have our own rules and that is that no one can have a shed but we do allow for 1 shed sometimes. They moved the shed to the side closer to the road. This is an eyesore and people complained to me every day about it. There is no reason it can't go in the back 10 feet from property line. I was not notified of this meeting but the Homeowners Association was and that is how I knew about it. You need to do your job as the Board and not allow the shed in the front.

Donna Marie Pasternack, 4 The Curved Road, Rock Hill - I live across the street diagonally. I don't think the shed is an eyesore. It is well made and painted. There are a lot of property that have bushes and things near the road that are an eyesore. I don't see how it can be an eyesore. It seems to be ok with the neighbors around them except for one or two of them. It is a well-made shed that is painted and I don't have a problem with it.

A motion to leave this application open for one month was made by Richard Benson and seconded by Jay Mendels
5 in favor; 0 opposed

Applicant: LAKEVIEW ESTATES, INC David Landau

Applicant is requesting an Area Variance from §250-7 and §250-21(B) of the Town of Thompson Zoning Code for the following purpose: (1) Density per acre with W/S from required 2.0 to 3.0 (2) Restoring a non-conforming building from required: A nonconforming building or structure may be restored but not enlarge after damage by fire, accident or other act by God, and the nonconforming use may be reinstated, provided that the restoration is completed within one year after such damage is incurred to proposed: Enlarge and relocate outside of a year.

This property is located at 358 Fraser Road, Monticello, NY S/B/L: 10.-8-8.3 in the SR zone with W/S
Allen Frishman, Regional Planning & Permit Consultants
David Landau, applicant

A Satisfactory proof of mailing was provided to the Board.

Paula Kay – What is your relationship to the LLC Mr. Landau? Mr. Landau – I'm the trustee that owns the LLC and a member as well.

Mr. Frishman – There were three units on the property and there was a fire there 3 years ago and one of the units burned to the ground. I was working on the plans to rebuild and Mr. Landau's dad got cancer and that put everything on hold. We had 1 year to rebuild. Time laps and we can't rebuild because of the non-conforming statue in the code. We decided to put the new building in the back and we also need a larger parking lot. Since we are doing this construction, they decided to re-due the other two units too. This is just a replacement of the third units.

Chairman Richard McClernon – When did the Dad pass away? Mr. Landau – April of 2020. He was very sick and the family was so busy with his health and we didn't have time to do anything else.

Jim Carnell – This was in front of the Planning Board for the parking and some of the other designs. Mr. Frishman – Yes, I'm working with Tim Gottlieb and hoping to get these variances so we can start construction. We are finding it very difficult to find out about the sewer system but we do know that it's public sewer. The building will have a basement and it will be one story. The basement will be 4 feet above grade level. It will be about 25' to 26' height and the allowed height is 36'.

Chairman Richard McClernon – Will there be a finished basement? Mr. Frishman – Yes, used for space. Chairman Richard McClernon – How many bedrooms will there be? Mr. Landau – Four to Five. Paula Kay – How many bedrooms were there in the old building? Mr. Frishman – There will be an increased in number. Paula Kay – Don't under estimate so we can make sure everything works. Barbara Strong – I see six on the map for the middle building. Jay Mendels – So a total of 18 bedroom between the three buildings? Mr. Frishman – Sixteen to Eighteen max. We are in compliance with the setbacks. Jay Mendels – But not the density. Mr. Frishman – In the smaller units they pack the children into the bedrooms and by having more bedrooms you might only have 2 beds per room instead of 4 making this a more comfortable situation. It's the same number of people in the house just in more rooms. Jay Mendels – I don't think anyone has a problem with going up in size. It's the density. Its going from a density of 2 to a density of 3 on a $\frac{3}{4}$ of an acre of property. Mr. Frishman – I know we are allowed 2 units per acre and we are replacing the unit that was there.

Chairman Richard McClernon – The 3rd unit was built before the regulation came into effect.

Mr. Frishman – We are trying to be in compliance. Chairman Richard McClernon – Your setbacks look good but the density of that one extra building on that small lot. Mr. Landau – I'm not putting in 6 bedrooms. We like the open space. In the basement we will be put in a room like a gym. We just need more space for the children. Chairman Richard McClernon – It's not about the bathroom count. It's the concern of the density of the third building. Mr. Landau – There was one there before. Chairman Richard McClernon – But you didn't meet the deadline to replace it. Mr. Landau – It's not because we didn't want to but the Health issues were more important. Chairman Richard McClernon – With an LLC there was no one else to do this? Mr. Landau – No, it was my Dad and me that helped him.

Mr. Frishman – I had the permit ready to submit, we were right under the clock to submit and I was told to hold off. Chairman Richard McClernon – If he was just diagnosed in the beginning, I think you could have filed for the permit. Mr. Landau – I hope none of you every have to deal with having a loved one so sick.

Mr. Frishman – Is it the bedroom count that is the issue? Chairman Richard McClernon – No it's the density and the sewer. Mr. Frishman – We are going to be working with the Sewer Dept and we will be replacing the existing sewer line. This is going to be a great property when we are done. Originally the buildings were too packed in that is why we wanted to move it to the back. Even if we met the deadline and we squeezed it in it would of look bad. This is a much better site plan. Jay Mendels – It's not just that you are putting it back but you're increasing the size of it. Mr. Frishman – True. Jay Mendels – Again you are on a $\frac{3}{4}$ acre.

Mr. Frishman – There are other family members living near by and they share the property. It's not like they are all meeting on just this property all at the same time.
Paula Kay -The Board has to look at the land use impact not who the land owners are.

PUBLIC COMMENT:

No Public Comment

PUBLIC COMMENT CLOSE:

Mr. Frishman – Please take note that there was no Public comments. If someone had an issue with adding this third structure they would be here tonight.

A motion to close the Public Hearing was made by Richard Benson and seconded by Barbara Strong 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 Yes. Richard Benson - The density issue going from allowable 2 to 3 and increasing the lot density.

(3) Whether request is substantial; All voted Yes

(4) Whether request will have adverse physical or environmental effects; All Voted Yes. Richard Benson – Yes, not environmental but physical in the way of adding a 3rd unit to this small lot. Jay Mendels Yes, over built in a small area. Chairman Richard McClernon – Yes, today’s code say’s it’s too small of property. Barbara Strong – Yes., Sean Walker Yes, lots too small.

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

Mr. Frishman – I understand the density and if we could have done this within the year, we would not have been her. Because the unusual situation with Mr. Landau’s Dad I’m asking you to take that into consider. I know it’s a small lot and for them they had to put everything on hold. And by putting the building on the back of the property instead of in the front of the property increases a problem in that zone on that road. I know what the zoning calls for. We had an existing unit and we are just trying to put that third unit back. Please take that into consideration.

Chairman Richard McClernon – Do I have a motion to approve?

A motion to not approve the 2 variances was made by Jay Mendels and seconded by Sean Walker 5 in favor; 0 opposed

APPLICANT VILDANA RADONCIC

Applicant is requesting an Area Variance from §250-9 of the Town of Thompson Zoning Code for the following purpose (1) Animal housing from required 150’ to proposed 80’ (2) Animal housing from required 150’ to proposed 50’ (3) Keeping of livestock from required 25 acres to proposed 5 acres (4) Keeping of fowl from required 25 to proposed 50.

Property is located at 266 Gregory Rd, Monticello, NY S/B/L :56.-1-52.10 in the RR2 zone.
Vildana Radoncic, applicant

A Satisfactory proof of mailing was provided to the Board.

A motion to reopen the application was made by Richard Benson and seconded by Jay Mendels
5 in favor; 0 opposed

Chairman Richard McClernon – Have you decide if you are going to withdraw the application and combine the two lots? Ms. Radoncic – I have decided to not combine the two lots because I might want to build a house on that property in the future. I have been in the Building Department and I want to build a small building for the chicken and goats. The Building Department has said that a goat is a livestock and at the same time they can consider a goat as a farm animal and that I can have up to 10 goats. But I don't have a building for them. My issue is the building being to close to the property line.

Paula Kay – Last time we offered to you to have the goats determined as farm animals and not livestock. If you want to do that, it needs to be done at a different meeting. According to your application they are livestock. Ms. Radoncic - And they didn't determine it to be a farm animal? Paula Kay – Our code say goats are livestock, but you can have this board determine it as a farm animals. You need to have that requested and then come back here to the Board and tell the Board why they should be considered farm animals. Ms. Radoncic – Can they determine that tonight? Paula Kay – No. Ms. Radoncic – I have no interest in combining the lots but I want the interpretation.

Chairman Richard McClernon – You are not allowed to have 10 goats as of right now unless you have 25 acres or we determine that they are farm animals. Paula Kay – You are going to have to convince this Board why they should be considered farm animals. If you are not combining the lots then you have the issue with the structure still.

Ms. Radoncic – I'm under the 25 fowl so we don't have an issue there. How many livestock can I have?
Chairman Richard McClernon – You need to have 25 acres to have livestock and there is no limit of how many you can have. You can have 10 farm animals for 5 acres.

Jay Mendels – Even if we do make them farm animals you can only have 10 farm animals for 5 acres. We still need to do the variance for the housing unless they combine the lots.

PUBLIC COMMENT:

Patty Benevides, 228 Gregory Road, Monticello – The only thing I'm concerned about is the offset from the property line. The number of animals I'm not concerned with. I am against you changing the offset from the property line.

Chris Ng, 246 Gregory Road, Monticello – If their intention was to do lots of animals, they should have picked a different piece of property. I don't think it's right to ask the neighbors to agree with the setbacks for the building.

Dolores & Gordon Wine: 272 Gregory Rd – Submitted an e-mail supporting Ms. Radoncic. Chairman Richard McClernon read this e-mail to the Board.

Chris Ng, 246 Gregory Road, Monticello – It sounds like the goats are there now and where are they being housed now? Chairman Richard McClernon – That is up to the Building Department to look into that. I believe there is a shed in the back.

PUBLIC COMMENT CLOSE:

A motion to close the Public Hearing was made by Richard Benson and seconded by Sean Walker
5 in favor; 0 opposed

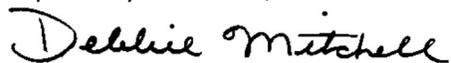
Chairman Richard McClernon – We want to hold this open for another month so we can do an interpretation on the animals.

Ms. Radoncic – If I did the lot combination I wouldn't need to be here? Chairman Richard McClernon – No, because the goats are considered livestock.

A motion to hold this application open until next month was made by Jay Mendels and seconded by Richard Benson
5 in favor; 0 opposed

A motion to close the meeting at 8:09 pm was made by Richard Benson and seconded by Chairman Richard McClernon
5 In favor; 0 opposed

Respectfully submitted,



Debbie Mitchell
Secretary
Town of Thompson Zoning Board of Appeals