

**APPROVED**

TOWN OF THOMPSON  
ZONING BOARD OF APPEALS  
Tuesday, June 8, 2021

IN ATTENDANCE:      Chairman Richard McClernon                      Richard Benson  
                                 Jay Mendels    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.

A motion to approve the May 12, 2021 minutes was made by Richard Benson and seconded by Sean Walker

4 in favor, 0 opposed

**Applicant Countryside Acres**

Applicant is requesting an Area Variance from §250-34 of the Town of Thompson Zoning Code for (1) Bungalow separation from required 25' to proposed 19'.

Property is located at 445 Old Liberty Road, Monticello, NY S/B/L: 8.-1-57 in the RR1 zone.  
Allen Frishman, Regional Planning & Permit Consultants

Satisfactory proof of mailing was provided to the Board.

Mr. Frishman - The deck was built on the side of unit 28. Last month a discrepancy of the distance separation that even the Building Department didn't see on the little landing on unit 26. I had the disapproval letter for 24.4' but it was really 19'. It is 19' from deck to deck. They filed for a permit and it was denied. The owner has always gotten a building permit for all the projects. The contractor work on this during the quarantine and with the Building Department being on limited hours they just went ahead with building the deck. The owner was very surprised when he got the violation letter. We have to make a small change structurally too. Jim Carnell – They didn't build without permit. When Brian went out for inspection the deck wasn't shown on the site plan. And then we realized there was an issue and told them to get the variance.

PUBLIC COMMENT:

No Public Comment

**PUBLIC COMMENT CLOSE:**

A motion to close the Public Comments was made by Richard Benson and seconded by Sean Walker  
4 in favor, 0 opposed

A motion for a negative declaration was made by Jay Mendels and seconded by Richard Benson  
4 in favor; 0 opposed

**AREA VARIANCE CRITERIA:**

(1) Whether benefit can be achieved by other means feasible to applicant; Jay Mendels, Sean Walker All Voted Yes. Jay Mendels - Could be built to the correct specs. Richard Benson Voted No. Chairman Richard McClernon – Voted Yes, could have been built to correct specs, they knew what the 25' of separation that was required.

(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 Sean Walker  
4 in favor; 0 opposed

**Applicant Kevin Beattie**

Applicant is requesting an Area Variance from §250-9 of the Town of Thompson Zoning Code for (1) Percentage of lot coverage from required 10% to proposed 12%.

Property is located at 150 Canal Road, Rock Hill, NY S/B/L: 66.-17-13 in the RR2 zone  
Tm Gottlieb, Engineer

Satisfactory proof of mailing was provided to the Board.

Mr. Gottlieb - The Beattie's are doing a tear down and rebuild. The existing house is 6.5% coverage now and the new house without deck is 10% and with deck is going to be 12%.

Richard Benson – There is no building in the right of way? Mr. Gottlieb – No, a lot of that right of away is unbuildable. A portion of the driveway which is gravel will touch it. That was for when the subdivision was done in Wolf Lake for this lot, the lot to the left and 2 lots to the right. There were 8 lots total. When they combined the lots, it allowed right of away access for the lower lot for this piece and that is where this came from. When they combined the lot's, it probably should have been extinguished, but it wasn't.

Chairman Richard McClernon – Do you have a letter from the Wolf Lake Homeowners Association giving an approval? Mr. Gottlieb – Yes, I sent it to Heather.

Chairman Richard McClernon – The trees with red flags are they to be saved or cut down? Mr. Gottlieb – Cut down and they got all the Wolf Lake permits and the demo permit. Jay Mendels – In the letter from Wolf Lake Homeowners Association, are giving approval? Mr. Gottlieb – Yes.

Chairman Richard McClernon – Is the shed going to stay? Mr. Gottlieb – Yes, it will stay. Chairman Richard McClernon – And that is included in the lot coverage? Mr. Gottlieb – Yes.

#### PUBLIC COMMENT:

Susan Devine – I'm here with my Mother Jane Caramanna, we are next doors neighbors and are very happy with what Mr. Beattie is doing. We have no objection to the house or the 2% increase. When my parents bought the house, they got a deeded right of way. That right of way goes 128.5' and 25' wide to behind our shed and not to the lake. The reason for it was because there was no driveway before my parents bought the house. The story was they were going to build a driveway on that right of way. They ended up building the driveway somewhere else. I understand they want to put a portion of the driveway on the right of away. We rather have nothing go on the Deeded right of way. In case we need to put a driveway for our house we couldn't if he puts his driveway there. Also, if we decide to sell the house will this cause an issue? We need to know if there would be any kind of drainage, gravel or a retaining wall? Paula Kay – What I understand from reading the 1974 description of the deeded right of way is, a right of access and there is no maintenance required and as long as the neighbors can access the right of way there is no issue. The Beattie's can improve the right of way if they so choose as long as they don't impede Ms. Caramanna or Ms. Devine's access to use it. Mr. Gottlieb – There is no intent to impede anything, it's going to be just gravel. Ms. Devine – If it's just gravel, does it have to be on the right of way? Mr. Gottlieb – Yes, to allow them to pull into the garage. Ms. Devine – Just gravel, no drain or culvert? Mr. Gottlieb – Just gravel, there is a drain for the well, but that is not in the right of away. Paula Kay – Even if it was as long as you can access it there is no issue. Ms. Devine – If there are other things that are impeding it then it could be a problem. Paula Kay – It does not give you the right to build anything there just the access right to cross it. Ms. Devine – According to the Deeded right of way we can put a driveway there if ours gets destroyed. Paula Kay – That is not how I read it. And based on what Mr. Gottlieb is representing, they are still allowed you to access it. Ms. Devine - There is no pipes or drains, just gravel, correct? Mr. Gottlieb – That is all it is, just gravel. Chairman Richard McClernon – You're using the existing driveway and then making a loop that will go towards your property and back in to the garage.

Richard Benson – No change to the existing grade? Mr. Gottlieb – None. Ms. Devine – Can we see the elevations? Mr. Gottlieb – It's on the site plan. Ms. Devine – I asked about the elevation but I don't think anyone answered that. Chairman Richard McClernon – The elevation for the driveway will be the same as it is now. Mr. Gottlieb – Correct.

#### PUBLIC COMMENT CLOSE:

A motion to close the Public Comments was made by Jay Mendels and seconded by Richard Benson  
4 in favor, 0 opposed

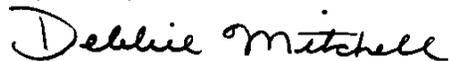
AREA VARIANCE CRITERIA:

- (1) Whether benefit can be achieved by other means feasible to applicant; All voted No. Jay Mendels –  
As always, these lake properties can't conform to the Towns Codes since the lots are so small.
- (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 subject to receiving the approval letter from Wolf Lake  
Homeowners Association was made by Jay Mendels and seconded by Richard Benson  
4 in favor; 0 opposed

A motion to close the meeting at 7:25 pm was made by Richard Benson and seconded by Jay Mendels  
4 In favor; 0 opposed

Respectfully submitted,



Debbie Mitchell  
Secretary  
Town of Thompson Zoning Board of Appeals