

TOWN OF THOMPSON
ZONING BOARD OF APPEALS
October 12, 2021

IN ATTENDANCE: Chairman Richard McClernon
Jay Mendels
Richard Benson
Sean Walker
James Carnell, Director of Building/Planning/Zoning

John Kelly, Jr.
Phyllis Perry, Alternate
Heather Zangla, Secretary

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

A motion to approve the September 14, 2021 minutes was made by Jay Mendels and seconded by Richard Benson
5 in favor, 0 opposed

APPLICANT: THOMAS O'DONNOHUE
Thomas O'Donohue, Property Owner

Applicant is requesting an Area Variance from §250-8 & §250-9 of the Town of Thompson Zoning Code for: (1) one side yard setback from required 20' to proposed 10.5' (2) front yard setback (lake side) from required 50' to proposed 46.2' (3) Percentage of lot coverage from required 10% to proposed 20.2%. Property is located at 224 North Shore Road, Rock Hill, NY: S/B/L: 38.-3-14 in the RR1 without central water/sewer.

Satisfactory proof of mailing was submitted.

Mr. O'Donohue explained his intentions and the project.

There was no public comment.

A motion to close the public hearing was made by Jay Mendels and seconded by Richard Benson
5 in favor; 0 opposed

- (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 vote 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 variances as requested was made by Richard Benson and seconded by Jay Mendels
5 in favor; 0 opposed

APPLICANT: KAUFMAN COLONY CORP. #34
Joel Kohn, Project Representative

Applicant is requesting an Area Variance from §250-11 of the Town of Thompson Zoning Code for: (1) Summer Camp / Bungalow front yard setback from required 100' to proposed 70'. Property is located at 3 Ropshitz Lane, Monticello, NY: S/B/L: 12.-1-5.7 in the HC2 with central water & sewer.

Satisfactory proof of mailings have been submitted.

Mr. Kohn –explained the purpose of the variance.

PUBLIC COMMENT:

There was no public comment.

PUBLIC COMMENT CLOSE:

A motion to close the public hearing was made by Jay Mendels and seconded by Richard Benson.

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.

(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 all the variances as requested was made by JM with condition that it all look uniform and enclose the bottom so it looks like a foundation and seconded by JK.

5 in favor; 0 opposed

APPLICANT: BORO PARK BUNGALOW ASSOCIATES

Joel Kohn, Project Representative

Barry Klein, Partner and President

Applicant is requesting an Area Variance from §250-34(D)(6) of the Town of Thompson Zoning Code for: (1.)Bungalow Separation §250-34(D)(6) from required 25' to proposed 15.7' (b/w units 2&3) (2.)Bungalow Separation §250-34(D)(6) from required 25' to proposed 12.1' (b/w units 6 & 7) (3.)Bungalow Separation §250-34(D)(6) from required 25' to proposed 14.2' (b/w units 8 & 9) (4.) Bungalow Separation §250-34(D)(6) from required 25' to proposed 20.5' (b/w units 10 & 11) (5.) Bungalow Separation §250-34(D)(6) from required 25' to proposed 15.2' (b/w units 11 & 12) (6.) Bungalow Separation §250-34(D)(6) from required 25' to proposed 10.7' (b/w units 10 & 11) (7.) Increasing a nonconforming bungalow - §250-21D(2) 15% or 200 sq.ft. Whichever is greater (8.)Increasing a nonconforming bungalow - §250-21D(2) 15% or 200 sq.ft. Whichever is greater Required Proposed 44.5% or 943 sq.ft. (units 1 & 2) 37.7% or 850 sq.ft. (units 9 & 10). Property is located at 266 Fraser Road, Monticello, NY: S/B/L: 9.-1-54 In the SR with no central water and sewer zone..

Satisfactory proof of mailing was submitted.

Joel Kohn – One of the bungalow owners added an addition and received a stop work order and wants to correct what he has done. There was no real site plan or survey, so the colony had a new one done. In comparison of the new one to a survey that was done in 1995 there was multiple units that had construction done. We are here in front of the board to get things corrected and legalized. The differences between the two site plans are what we are requesting variances for.

Jay Mendels – so these variances are for things that have already been completed. Joel Kohn – yes, over the last 26 years.

Chairman McClernon - so going back to unit 1 out by the road, they received a Stop Work Order and it is no complete, so they didn't stop construction. Mr. Klein – In reference to any order that was sent, it was sent to the wrong address. Once we got notice that there was a problem, we stopped. Chairman McClernon – well, it's finished.

Mr. Klein spoke about himself and about the colony.

Chairman McClernon – asked the applicant if he wanted to put an addition on his own home, would he get a permit and if so, why he wouldn't get one here in Sullivan County at the bungalow colony. The applicant had no reasoning for it and said it wouldn't happen again.

Jay Mendels – asked Jim Carnell the process of notification for a stop work order. Jim Carnell – we post the building and send out the violation to the address that the tax bills go to. Jay Mendels – so pleading ignorance to the stop work order doesn't really work. There has been a number of situations that have been ignored in this case.

Chairman McClernon – gave instructions to the applicant how to change the mailing address so that future correspondence could be received.

Chairman McClernon – the setbacks between units are tough, they are built on piers and we have had colonies that have lost numerous units to fire because they were too close. We try to stick to the required setbacks for that reason.

Joel Kohn – some of the units requesting the separation variance were built closer together a long time ago and the proposed distance of the new additions not as close as the existing units. For example units 2 & 3 the building is 13.9' to the neighboring unit and the addition is 15.7' away. Jay Mendels – well if the colony had come to us originally we could have worked something out. The increasing a non-conforming is way more than this board would ever consider.

The board has no further questions.

There was no public comment.

A motion to close the public hearing was made by John Kelly and seconded by Jay Mendels. 5 in favor; 0 opposed.

Jay Mendels – suggested that each variance be individual. Chairman McClernon – I was going to go through them all in one shot, but it is what the board wants. Jay Mendels – I am ok with going through them as one.

AREA VARIANCE CRITERIA:

(1) Whether benefit can be achieved by other means feasible to applicant; All voted Yes.

(2) Undesirable change in neighborhood character or to nearby properties; Jay Mendels – yes because it is after the fact. Richard Benson, John Kelly voted yes. Chairman McClernon and Sean Walker voted No.

(3) Whether request is substantial; All voted Yes.

(4) Whether request will have adverse physical or environmental effects; All voted Yes.

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

A motion to approve the variance was not made.

A motion to deny the variance was made by Jay Mendels and seconded by John Kelly.

A motion to rescind the motion to deny was made by Jay Mendels to look at all the variances individually and seconded by Richard Benson.

5 in favor; 0 opposed

AREA VARIANCE CRITERIA: for variances #1 (unit 2/3) and #4 (unit 8/9)

(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; Jay Mendels, Richard Benson, John Kelly and Sean Walker voted Yes. Chairman McClernon 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 for a NEGDEC was made by Richard Benson and seconded by John Kelly.

5 in favor; 0 opposed

A motion to approve variances #1 for Units 2/3 and #4 for Units 10/11 was made by Jay Mendels and seconded by Richard Benson with the conditions that they receive a building permit and have a design review look at it.

5 in favor; 0 opposed

Variances #2 (unit 6/7) #3 (unit 8/9) #5 (unit 11/12) #6 (unit 10/11) #7 (increasing a non conforming) #8 (increasing a non conforming)

(1) Whether benefit can be achieved by other means feasible to applicant; All voted Yes.

(2) Undesirable change in neighborhood character or to nearby properties; Jay Mendels, Richard Benson, John Kelly and Sean Walker voted Yes. Chairman McClernon voted No.

(3) Whether request is substantial; All voted Yes.

(4) Whether request will have adverse physical or environmental effects; All voted Yes.

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

A motion to approve requested variances was not made.

A motion to deny requested variances and send it to the Town Attorney for future direction was made by Jay Mendels and seconded by Richard Benson.

5 in favor; 0 opposed

APPLICANT: WANDA TONEY

Wanda Toney, Property owner

A motion to take the agenda out of order was made by Rich Benson and seconded by Jay Mendels.

5 in favor; 0 opposed.

Applicant is requesting an Area Variance from §250-7 of the Town of Thompson Zoning Code for: (1) front yard setback from required 40' to proposed 35' (2) front yard setback from required 40' to proposed 24' (3) Rear yard setback from required 40' to proposed 17' (4) one side yard setback from required 15' to proposed 12'. (5) percentage of lot coverage from required 20% to proposed 21.2%. Property is located at High View Terrace, Rock Hill, NY: S/B/L: 55.-5-7.1 in the SR with central sewer/water.

Satisfactory proof of mailing was submitted.

Wanda Toney – we are looking to construct a single family dwelling that is a one story with no decks. The setbacks are actually a little less than what has been requested. The front yard will be 37' not 35' as requested. We are looking to align the house with the neighbors. This variance had been previously approved and that was a condition at that time.

The Board had no questions or concerns at this time.

PUBLIC COMMENT:

Pete Tebar – 31 High View Terrace. How large is the house going to be, that lot is not big. The house is going to be 26' x 56'. How close is it going to be to my house? The lot looks like it should only have a shed or a garage. It will be 14' to your line. Jay Mendels – she is asking for a 3' variance. The house will be about 1400sq. ft. based on the dimensions.

Lawrence Kania – 6 Pebble Path. My property is behind hers on Pebble Path. My concern is with having a new dwelling where is there enough utility access and emergency access. The snow piles there in the winter. Wanda Toney – the driveway will be coming off of Pebble Path in front of the house towards High View Terrace. Lawrence Kania – that is right off of a stop sign. Basically, this house will be really close to my house.

Camille Johnson – Where is the backyard? It will be right on top of Pete's house. Its only 14'? The front door is on Pebble Path. The backyard will be facing Pete. Chairman McClernon – the backyard according to us will be High View Terrace. Camille Johnson – so she will walk in her front door on Pebble Path and look out her back door at Pete's house within 14'. Chairman McClernon – all the lots are the approximately the same size in that area. Camille Johnson – well

this house is slightly bigger and will be facing differently on the lot than other dwellings. Chairman McClernon – this is the only way the house can be put on this narrow lot. Camille Johnson – reduce the size of the house, it's pretty big. Jay Mendels – it's really not big, it's about 1400 sq ft.

A motion to close the public hearing was made by Jay Mendels and seconded by Sean Walker. 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.
- (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 No.

A motion to approve all variances as requested was made by Richard Benson and seconded by Jay Mendels
5 in favor; 0 opposed

APPLICANT: 220 COLD SPRING ROAD

Bernie Weiser, Property owner

Applicant is requesting an Area Variance from §250-8 of the Town of Thompson Zoning Code for: density per acre from required 2.0 to proposed 2.6. Property is located at 220 Cold Spring Road, Monticello, NY: S/B/L: 29.-1-22.1 in the RR1 zone.

Satisfactory proof of mailing was submitted.

Bernie Weiser – this project is for the construction of new units to be constructed. We are looking to construct 129 units which is broken down with a caretakers unit on the Southside and one circle with 55 units the other with 57 units, the north side of the property will contain 16 units for those who would like to have a family unit. We are looking for this variance since we could have a mobile home park with many more units. There could be 177 mobile home units on this property. A bungalow colony would be better with selling and overall cost. This property and the development would be off the road and not very visible from the road.

With this development we would help upgrade the town water system.

Jay Mendels – This project is new and nothing existing correct? I would like to see it adhere to the existing zoning and that the town doesn't continually go in the wrong direction with zoning. Chairman McClernon – I agree, is this a cookie cutter development which is against the code anyway. Bernie Weiser – we would dress them up and give them more of a country feel.

Public Comments:

Clarence Rundle located at 245 Cold Spring Road has a concern regarding the water. He states that during the summer when the neighborhood is full he has brown water and low pressure. Traffic on the road is a concern also, regarding speed and cars, with people walking.

Ben Richards located at 263 Cold Spring Road has concerns regarding the water. He also states that during the summer the water is brown and low pressure and traffic.

Chairman McClernon stated that if this variance is approved, the Planning Board would oversee the water and sewer system and that neighbors would be notified again. They would be able to come to the Planning Board meeting with their concerns.

A motion to close the public comment was made by Richard Benson and seconded by Jay Mendels.

5 in favor; 0 opposed

AREA VARIANCE CRITERIA:

(1) Whether benefit can be achieved by other means feasible to applicant; All voted Yes.

(2) Undesirable change in neighborhood character or to nearby properties; All voted Yes.

(3) Whether request is substantial; All voted Yes.

(4) Whether request will have adverse physical or environmental effects; All voted Yes.

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

A motion for a NEGDEC was made by Richard Benson and seconded by John Kelly.

5 in favor; 0 opposed

A motion to approve the variance was not made.

A motion to deny the variance was made by Jay Mendels and seconded by Sean Walker.

5 in favor; 0 opposed

APPLICANT: 149 WINSTON DRIVE

Antonio Jaramillo, Property Owner

Applicant is requesting an Area Variance from §250-7 of the Town of Thompson Zoning Code for: (1) front yard setback from required 50' to proposed 0' (2) one side yard setback from required 20' to proposed 5.3' (3) percentage of lot coverage from required 10% to proposed 20%. Property is located at 149 Winston Drive, Monticello, NY: S/B/L: 47.-1-5 in the SR with no central water/sewer.

Satisfactory proof of mailing was submitted.

Antonio Jaramillo - The property has an extension on the lake side and I would like to square it off.

Chairman McClernon – we are not looking at any variances for the additions, it is just for a proposed deck. Antonio Jaramillo – when I spoke with Logan from the Building Department it had to do with the additions and squaring it off. I was informed that because I was in a sewer district I met the setbacks for the additions. It later was determined that I was not in a sewer district so I did need a variance. I then submitted a new survey with a proposed deck.

Chairman McClernon – we don't have anything to look at for the variances for the additions. Jay Mendels – yes we do, we have the lot coverage with everything added into it. Richard Benson – the lot coverage should include the additions as well as the proposed deck. Chairman McClernon – well if we approve the variances for the additions, we won't know what the percentage of lot coverage would be.

Antonio Jaramillo – I have submitted the permit for the additions to the building department. I am waiting on a variance for them to be approved. Chairman McClernon – I was at the property and there is a stop work order posted however your electrician showed up to do work. Antonio Jaramillo – I needed a pump to be installed in the cellar to remove the water.

Chairman McClernon – if we have the owner remove the deck, he will need to come back for the variances for the additions. The stairs on the side of the building can be a bilco door with no variance needed.

Chairman McClernon – recommended to the owner that he remove the deck and the covering for the stairwell from the survey and get the correct percentage of lot coverage for the variance.

The variance for 0' front yard setback and the variance for 5.3' side yard has been withdrawn from the request.

Public Comment:

Fay Scheiner – I am the neighbor to the left side, 147 Winston Drive, what are you planning to do on that side of the property? The proposed deck onto the lake, it takes up most of the space on the water front. They have removed most of the bushes and trees on our side. If you are planning on a large deck, you have taken away most of the privacy buffer from that area. Antonio Jaramillo – claims he only removed some of the trees, but nothing will be built it will be grass for the kids to play.

A motion to close the public was made by Jay Mendels and seconded by Richard Benson. 5 in favor; 0 opposed

AREA VARIANCE CRITERIA:

(1) Whether benefit can be achieved by other means feasible to applicant; All voted Yes.

(2) Undesirable change in neighborhood character or to nearby properties; All voted Yes.

(3) Whether request is substantial; All voted Yes.

(4) Whether request will have adverse physical or environmental effects; Jay Mendels voted No. Richard Benson, Chairman McClernon, Sean Walker and John Kelly voted Yes.

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

A motion to approve the variances as requested was not made.

A motion to deny the variances as requested has been made by Richard Benson and seconded by Jay Mendels.

5 in favor; 0 opposed.

A motion to close the meeting was made by Jay Mendels and seconded by Richard Benson.
5 in favor; 0 opposed

Respectfully submitted,

Heather Zangla

Secretary

Town of Thompson Zoning Board of Appeals