



(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 JM and seconded by CR  
5 in favor; 0 opposed

**APPLICANT: GARY SMITH**

Gary Smith, Property owner

Applicant is requesting an Area Variance from §250-7 of the Town of Thompson Zoning Code for: (1) garage height from required 16' to proposed 17' (2) garage roof from required asphalt shingles to proposed metal roof (3) garage door height from required 8' to proposed 12' and (4) rear yard setback from required 50' to proposed 29'. Property is located at 101 Katrina Falls Road, Rock Hill, NY: S/B/L: 51.-2-31.1 in the SR with no sewer/water.

Satisfactory proof of mailings have been submitted.

Mr. Smith – I am looking to construct a garage for storage of my motor home. I need a taller door because of the RV height. I like the metal roofing so that the snow will melt off.

Jay Mendels – so the shed and existing garage will remain on the property. Mr. Smith – yes, I am using them. Are you building a driveway to this garage? Mr. Smith – I am hoping I don't have to, the land is pretty solid and I should be able to drive right to the garage.

Paula Kay – it is pretty well screened. You really can't see it from the road.

**PUBLIC COMMENT:**

There was no public comment.

**PUBLIC COMMENT CLOSE:**

A motion to close the public hearing was made by Phyllis Perry and seconded by Cindy Ruff.  
4 in favor; 0 opposed

**AREA VARIANCE CRITERIA:**

(1) Whether benefit can be achieved by other means feasible to applicant; Jay Mendels – Yes, I think it can be relocated elsewhere. Chairman McClernon, Cindy Ruff and Phyllis Perry 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 Jay Mendels and seconded by Cindy Ruff.

4 in favor; 0 opposed

**APPLICANT: 1823 MIDDLE COUNTY REALTY, INC.**

Steve Pikul, Bertin Engineering

Applicant is requesting an Area Variance from §250-11, §250-30 and §250-21B(4) the Town of Thompson Zoning Code for: (1) increasing a non-conforming structure (2) front yard setback large canopy from required 50' to proposed 10.1' (3) front yard setback small canopy from required 50' to proposed 25.7' (4) rear yard setback small canopy from required 50' to proposed 18.9' (5) sign setback from right of way (NYS Route 42) from required 25' to proposed 3' (6) sign setback from right of way (Golden Ridge Rd.) from required 25' to proposed 21.2' (7) sign setback from intersection (NYS Rte 42) from required 200' to proposed 3' (8) sign setback from intersection (Golden Ridge Rd) from required 200' to proposed 21.2' and (9) sign height from required 20' to proposed 25'. Property is located at 4370 State Route 42, Monticello, NY: S/B/L: 13.-3-39 in the HC2 with central water/sewer.

Satisfactory proof of mailing was submitted.

Steve Pikul – We are currently going to the State DOT for a new site line. The existing sign isn't on our property. We want to correct that by relocating the sign. All the Gulf signs on the building, canopy and sign will be rebranded with Phillip's 66. We are not asking for a variance for the sign since it is a pre-existing. Paula Kay – there is a request for the sign for height. Jim Carnell - when they were in front of the board the last time, the sign wasn't being moved.

All the other variances were approved back in 2018.

There was no public comments.

**PUBLIC COMMENT CLOSE:**

A motion to close the public hearing was made by Jay Mendels and seconded by Phyllis Perry

4 in favor; 0 opposed

A motion for a NEGDEC was made by Jay Mendels and seconded by Phyllis Perry

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 Yes.

(4) Whether request will have adverse physical or environmental effects; All voted No.

(5) Whether alleged difficulty is self-created; Jay Mendels voted No. Chairman McClernon, Phyllis Perry and Cindy Ruff all voted Yes.

A motion to approve all variances as requested was made by Cindy Ruff and seconded by Phyllis Perry. 4 in favor; 0 opposed

**APPLICANT: JEREMIAH FAITH**

Jeremiah Faith, Property owner

Applicant is requesting an Area Variance from §250-9 of the Town of Thompson Zoning Code for: (1) front yard setback from required 50' to proposed 23' and (2) percentage of lot coverage from required 10% to proposed 11.61%. Property is located at 1 Morreale Drive, Rock Hill, NY: S/B/L: 66.-25-1 in the RR2.

Satisfactory proof of mailing was submitted.

Mr. Faith – we started building this house a few years ago. We had gotten a variance previously. We have received our Temp. Certificate of Occupancy and we found out that we need a variance for a part that we constructed over what was supposed to be the bilko door. The HOA previously approved the house itself.

There was no public comments.

**PUBLIC COMMENT CLOSE:**

A motion to close the public hearing was made by Jay Mendels and seconded by Phyllis Perry. 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; Jay Mendels voted yes for the lot coverage and no for the front yard setback. Chairman McClernon, Phyllis Perry, Cindy Ruff voted No.

A motion to approve all variances as requested was made by Jay Mendels and seconded by Cindy Ruff. 4 in favor; 0 opposed

**APPLICANT: EPHRAIM FAMILY TRUST**

Chaim Zelcer, Property representative

Applicant is requesting an Area Variance from §250-7 and §250-21B(4) of the Town of Thompson Zoning Code for: (1) combined side yards with water/sewer from required 40' to proposed 18.7' (2) increasing a

non-conforming (3) one side yard setback from required 15' to proposed 3.2' (4) rear yard setback from required 40' to proposed 15' and (5) percentage of lot coverage from required 20% to proposed 25.25% . Property is located at 354 Fraser Road, Monticello, NY: S/B/L: 10.-8-7.2 In the SR with central water and sewer zone.

Satisfactory proof of mailing was submitted.

Mr. Chaim Zelcer – I would like to incorporate an existing deck into the home for living area and then build a new deck in the front. The dwelling is small and we just need more living space. In the rear we would like to square off the back side also.

Paula Kay – the current survey shows a set of stairs off the front deck, will there be stairs on the new deck? Mr. Chaim Zelcer – Yes, we will have stairs on the new deck coming off the same side.

Jay Mendels – will the new addition have the same siding as the existing dwelling? Mr. Chaim Zelcer – the house currently has white siding and we plan on making the addition to match.

Chairman McClernon – will your propane delivery person be able to squeeze through there? Mr. Chaim Zelcer – There is an entrance on the side, a gate in the chain link fence. The propane delivery can use that area to come in if necessary.

Paula Kay – Looking at the owner's proxy, the owner is listed at Ephraim Family Trust C/O David Landau. Who signed the proxy? Mr. Chaim Zelcer – Mr. Landau is the trustee of the trust, he signed the application and the proxy.

Jay Mendels – the roofline of the proposed addition will match the roof line of the existing dwelling? Mr. Chaim Zelcer – a few contractors look at the job, the front of the home is sloped, they recommended that we remove that part and make it pitched. It will look more uniform with the new addition. Jay Mendels – you are also increasing the size of the non-conforming building. The percentage of increase is not noted anywhere. Chairman McClernon – is that the 15% or 200 sq. ft.? Jim Carnell – that only applies to bungalow colonies. This is a single family home.

Mac – where are you parking? Mr. Chaim Zelcer – we can either park right off the road in front or on the side drive. There is a carport there.

There was no public comments.

**PUBLIC COMMENT CLOSE:**

A motion to close the public hearing was made by Jay Mendels and seconded by Phyllis Perry.  
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 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 variances as requested was made by Phyllis Perry and seconded by Cindy Ruff.  
4 in favor; 0 opposed

**APPLICANT: MODERN GAS**

Eric Megargel, Regional Manager

Paula Kay – this is an interpretation of the zoning code. It is not a public hearing, there is no public comment. The board is just making a decision on the code.

The zoning code is RR1 and HC2. The property is split in half with the districts.

Eric Megargel – we want to purchase property out on 17B for retail propane. There will be bulk storage and a sales building. In the front we will have a show room. The back would be office space for refilling the trucks for delivery. It is an ideal location for us.

Paula Kay – the use that you are looking at would be allowed in the HC2 zone.

Chairman McClernon – what are the bulk storage tanks going to be, do they qualify as retail? Paula Kay – if you determine the bulk storage tanks are warehouse and storage. The Planning Board can approve a special use permit. Chairman McClernon – it's not really a ware house. Paula Kay – it is storage.

Jay Mendels- I see that there is some landscaping already on the site plan. That is something that I think should be done. Mac – that is for the Planning Board to mandate.

A motion for the proposed development at Modern Gas would fall under the use of a service establishment under the HC1 zoning district was made by Rich McClernon and seconded by Jay Mendels

A motion to close the meeting was made by Jay Mendels and seconded by Phyllis Perry.  
4 in favor; 0 opposed

Respectfully submitted,

Heather Zangla

Secretary

Town of Thompson Zoning Board of Appeals