

shed at the beginning of the driveway that has been a problem for years now. Chairman McClernon - Is that the one you showed me the other day? Richard Hindley – Yes. Paula Kay – Do you have any sort of time frame for that? Richard Hindley – My biggest hold up is waiting for the price of scrap metal to go up. I have been doing this since I got out of the army in 1969. My dad had 400 cars there at one time. Paula Kay – I was asking for a time frame on the shed you said you were going to remove. Richard Hindley – Probably within 3 weeks. Paula Kay – Okay. Jay Mendels – Chairman, you mentioned there was a pile of metal there. Richard Hindley – We are getting rid of that once I get my truck back on the road. I can't get a lot for that stuff anyhow, but something is better than nothing. The main issue is I am strapped for money. Jay Mendels – For me, I would like to hear the public comment before we talk about any trade offs we might do. Chairman McClernon – Okay.

Meeting was opened to the public.

Harry Hindley, Richard's son – I have been helping my dad get the property cleaned up, but I work during the week and it is hard for me to get over there. We have arranged for someone to come and take the big pile of scrap metal that you guys were talking about. There is also a pile of wood there, that is going to be sorted and taken. Chairman McClernon – Do you know a time frame for that? Harry Hindley – I don't see why it should take more than a month. It should be fairly quick and we will also take care of everything near the road.

Sal Puglisi residing at 163 Wildcat Road - You guys need to go up there and do a visual. The 2020 picture you have is nothing, it's like a bomb hit that place. Chairman McClernon – I was up there the other day. Sal Puglisi – Every year it gets worse. I know he needs a place to live, but it needs to get cleaned up. It's not fair to me or the other neighbors. I asked that before any permits or anything is given, that place gets cleaned up.

Mona Baker residing at 122 Wildcat Road – I want to say the new trailer Richard has looks fabulous. It is nicer than the one he had before. He is a great neighbor and if there is anything we can do to help him get this variance, we will.

Chairman McClernon read the written comment submitted by Grzegorz & Teresa Krzysztofowicz residing at 143 Maple Road aloud. They stated they do not agree because the entrance to their property is blocked and there is always trash on their side of the property.

Richard Hindley – When the mobile home was delivered, they couldn't back into my yard and where they ended up putting it was blocking the neighbors entrance. Jay Mendels – Is it still blocking? Richard Hindley – No, I had them move it. Jay Mendels – Is there still trash on their side of the property? Richard Hindley – 3 wheels of the trailer are still on his side. Chairman McClernon – You are going to have to take care of that sooner than later.

No further comments or questions from the public.

A motion to close the public hearing was made by Jay Mendels and second by John Kelly.
All in favor, 0 opposed.

Phyllis Perry – Is there a way to hold this off to allow some time to clean up, in good faith, prior to approving the variance. Paula Kay – Yes. Richard Hindley – I'm sleeping in a camper now. Chairman McClernon – Yeah, he has a little camper there now, so he does have a place to stay. What do we think,

60 days? Phyllis Perry – Mr. Hindley, can you make some effort to clean up the property in the next 60 days? That way your neighbors may be satisfied. Richard Hindley – It depends on the weather. Chairman McClernon – Weather pending? Paula Kay – Phyllis, I'm guessing you are specifically interested in anything that is close to or on the road and anything on, adjacent to, or in the site line of neighbor at the end of the road. Phyllis Perry – Yes. Richard Hindley – That is fine. Chairman McClernon – So, we can revisit this in 60 days, see what has been accomplished, and go from there. Paula Kay – Do you need 60 days or do you think you could get this done by the next meeting? Richard Hindley – I don't know because of the weather and I also need money to do this stuff. I have kids and grandchildren to take care of. All I know is I need a place to live. Cindy Ruff – My suggestion is we table this for 30 days or until the next meeting, see how the progress is coming along, and table it for another 30 days if everything hasn't been done. Chairman McClernon – Does that sound okay, Paula? Paula Kay – I like that suggestion very much. Cindy Ruff – Is that okay with you Mr. Hindley? That way we can move forward sooner than later if you can get this taken care of in the next 30 days. Richard Hindley – Yes. Paula Kay – Okay, the next meeting is on March 14th.

No further comment from the Board.

A motion to hold the application open for 30 days, to allow the applicant time to clean up the front of the property, remove the shed by the road and remove anything on the neighbor's property, was made by Jay Mendels and second by Sean Walker.
All in favor 0 opposed.

APPLICANT: YEVGENIY KLINOV

Lake Shore Drive E
Rock Hill, NY
S/B/L: 55.-6-3.10

Applicant is requesting an Area Variance from §250-8 of the Town of Thompson Zoning Code for (1) Front yard setback with W/S from required 40'-0" to proposed 36'-10" (2) Rear yard setback with W/S from required 40'-0" to proposed 30'-0" (3) One side yard setback with W/S from required 15'-0" to proposed 11'-6" (4) One side yard setback with W/S from required 15'-0" to proposed 8'-0" (5) Combined side yard with W/S from required 40'-0" to proposed 19'-6" (6) Waterfront lots from required 20,000 sq. ft. to proposed 7,140 sq. ft. (7) Percent of lot coverage with W/S from required 20% to proposed 20.7%. Property is located on Lake Shore Drive E, Rock Hill, NY. S/B/L: 55.-6-3.10. In the Zone: SR

Chairman McClernon read the legal notice out loud.

All mailings were done and verified.

No approval from the Lake Louis Marie HOA has been received.

Chairman McClernon – Good evening. Tells us what you want to build and how long you have owned this property. Yevgeniy Klinov – I am a general contractor and have been so for many years. I lived in the Liberty area for the last 13 years, but none of my family wants to come up here anymore because it is in Fox Croft Village. We love the area, so I purchased this small lot in a better location. I want to put a small house on the lot, nothing crazy, for my parents and family to be able to come up and enjoy the area.

Everything happened quickly after purchase; within the last couple of weeks. I checked out the area and saw the setbacks of other houses and noticed that the neighboring property, with the house on it, has a garage that can't be more than 30 feet from the road and the Building Dept. explained the zoning code to me. I then had the architect I work with draw up a plan for me. I thought I was prepared for this meeting but was told a couple days ago that I needed approval from the HOA. The HOA would not give me an approval because of the size of the house and the number of variances I would need. I am open to making changes to help that situation. If having a 6-foot deck helps, I don't need an 8-foot deck. There is not much you can do with this property because of the lot is irregular and I am not allowed to build on the side with the neighboring vacant lot because that property is owned by the HOA. Due to all of this, I had my architect do a new drawing with 6-foot deck on my drive here and I have that to show you guys tonight. The lot coverage is now less the 20%. I can't really make the house any smaller, but I am willing to do what needs to be done. There is no garage or anything like that. Phyllis Perry – Why have the stairs where they are? Yevgeniy Klinov – The lot is long so the main entrance must be from the side. I even really need the long deck, just an entrance to the house. Phyllis Perry – Will there be an exit from the house towards the lake? Yevgeniy Klinov – It's going to be by the door in the front, on the first floor. Jay Mendels – A patio door. That makes sense. Phyllis Perry – So, you're willing to remove the deck on the side and only have stairs into your house? Yevgeniy Klinov – Absolutely. Phyllis Perry – If you only kept the deck on the lake side, you would have more space between the property line to help with the setback. Chairman McClernon – That would give around 18' from the corner of the house to the property line. Yevgeniy Klinov – That is fine with me. Chairman McClernon – Is this line of trees on your property? Yevgeniy Klinov – Yes, but they are on the neighbor's property and the other side is the HOA. Jim Carnell – In the Town code section 250 -21C, it states any pre-existing lot that was created as part of a subdivision and is serviced by central water/sewer, is not subject to the overall lot requirement. So, it may not require the area variance for the required 40,000 sq. ft. With that and the deck being reduced or removed, that may eliminate 2 of the variances. Chairman McClernon – Okay. Sean Walker – So, that's the last 2 variances gone? Chairman McClernon – Yes. Phyllis Perry – Possibly #4 as well, right? Jay Mendels – It would still require a variance, but it would go from 10' to 15' or a little more. Chairman McClernon – It would make it better though. Paula Kay – Mr. Klinov, you are prepared to do these modifications, correct? Yevgeniy Klinov – Absolutely

Meeting was opened to the public.

Camille Johnston residing at 193 Lake Shore Drive E, on behalf of both the HOA and herself – I am the president of the HOA and was asked for a letter of approval by Mr. Klinov. We cannot give that letter of approval due to the number of variances being requested and the fact that the HOA owns the property to the right, which has the proposed 8' setback, which is too close. We don't want to set a precedence allowing an 8' side yard setback on a lake front property. If it is comparable to the house next door or one down the street, we would be okay with that. We understand the lots are so small, but the applicant also knew that when he bought it. For us, the proposed house is just a little too big. If you could take off the deck on the side, it would be much better and would reduce the lot coverage. Somehow the house next to me got approvals for their side deck, that is now very close to my house, and it is not nice having someone able to look in to your home. We have some trees between us and get along, so we make it work, but this is not the same case. I know the neighbor to the side of him has representation here tonight as they could not make it. They did not receive the legal notice, but I did and informed them of tonight's meeting. Chairman McClernon – What does the HOA use the vacant property for? Camille Johnston – We haven't really come up with a decision yet, but possibly a park or we may sell it. It is a property that we came into in lieu of dues. Phyllis Perry – The removal of the deck may take care of most of your concerns. Camille Johnston – Yes, it will take care of like 3 of the variances

and is what I was trying to explain to Mr. Klinov over the phone. I would also like to know how tall the house will be? Yevgeniy Klinov – Less than 30 feet. Camille Johnston – Nobody else has 2-stories on the street side, but that is okay, as long as it isn't any higher than 30 feet. Paula Kay – If it is higher than the code allows, then he would need an additional variance and would have to come back to this Board, which the Building Dept. would flag. Camille Johnston – Is the height measured from the lake side or the street side? Jim Carnell – The road side. Camille Johnston – Why the road side? Jim Carnell – Not every house has a lake in the Town of Thompson so that is how the average is measured.

Chairman McClernon showed the audience what deck the applicant is proposing to remove and what setbacks that would change.

Jim Carnell – There is also an exemption that if there are any other houses, within 200 feet of either side of the proposed development, closer to the road than the code allows, this applicant or anyone else, would also be allowed to build as close to the road, without a variance. Since Logan handled the denial, I asked her to look in to this and confirm what that distance is in this case. I'm not sure but based on the aerial image, but it looks like the house to the left is only about 12 feet from the road. Yevgeniy Klinov – That is his garage though. Jim Carnell – It is based on the closest building to the road. So, if the neighbor's building is only 12 or 15 feet from the road, the applicant would be entitled to build just as close to the road and that would eliminate the front yard setback variance as well. Chairman McClernon – We would need a survey of the neighboring property to be sure of the distance. Jim Carnell – We can pull the variance he received to build the garage because that should have had a survey. I would ask the Board to maybe leave this application open, that way the applicant has time to revise his plans with everything we have talked about tonight and gives the HOA and neighbors time to review the revised plan. Paula Kay – I agree, if the Board agrees. That way the applicant can work through the changes and come back with his revised plan, but we need to finish with any public comment.

Daniel Schneider, appearing on behalf of Mr. and Mrs. Peter Hirshman who reside at 175 Lake Shore Drive E – Mr. and Mrs. Hirshman are currently in India and tried to Zoom in tonight, but do not have internet connection where they are. They actually rented a hotel room to be at this meeting, in hopes they would have internet connection, but unfortunately that did not work for them. I spoke on the phone with Peter earlier today and the reason I agreed to represent them tonight, even though I am not an attorney, is because I believe they were denied due process. They were never notified when everyone else was and the only reason they knew about this hearing was because Mrs. Johnston told them verbally. I tried to get local council for them or an adjournment, so they can prepare properly, but neither were able to happen. If you look at the proof of mailing provided, you will see the notice was sent out January 18th via certified mail, but my client never received that. Had they received it they would have been able to hire council to defend themselves at this hearing. I submitted written correspondence that I conformed with Ms. Eppers, this morning, was received and would be shared with the Board. My clients also submitted written correspondence today that outlines some of their objections. This is a complicated application with many variance requests, of which some may not be necessary. I would like to join in the proposal to keep the record open and ask it be for at least 60 days because my clients are due back on March 3rd. That way they have time to retain proper council and hopefully negotiate with the new neighbor. My client is a good guy and wants to get along with his new neighbor, but also wants to understand what is being proposed. I was told that we can not have an adjournment, but could ask for the record to be held open. So, in the interest of justice, I am asking the record be held open for 60 days. Jay Mendels – Can you tell us what your client's initial objections are? Daniel Schneider – I think they are in his letter. Did you get a copy of that? Jay Mendels – We did, but I was hoping you would be able to tell everybody. Daniel Schneider – The first issue is really due process

because they just found out about the hearing this weekend and have not really been able to prepare what their issues are. Other than that, it looks like their main objections are the side yard setbacks, which might be changing from what I heard, and the height of the building. My client is an architect and said that the proposed height of the house is unclear and is concerned it is going to cast a shadow on his house and basically would be blocking his light, air, and quiet enjoyment. He also believes that the number of variances be requested are too many and that the frontage on the lake should be uniform with the rest of the community. Yevgeniy Klinov – Just for the record, there are trees on his property that are way higher than the house will be, so the house should not cause an issue with daylight. Daniel Schneider – Are the trees between the 2 houses? Yevgeniy Klinov – Yes, but are on your client’s property. Daniel Schneider - Again, he hasn’t really had a chance to review the documents as this was sprung upon him over seas a few days ago and is asking for reasonable adjournment so he can properly respond and understand the nature of the variances. Paula Kay – Please remind your client, since he is not here tonight, that the applicant is going to be updating the application and he should log into the Town of Thompson website, after Friday, so he can review the updated, correct information. Daniel Schneider – Assuming he has internet after Friday. Paula Kay – Everything is available on our website and he will have a month to review it. Maybe you can help him get the information or do whatever needs to be done for him to review it. Daniel Schneider – Can I get a copy of this recording to send to him? That way when he has internet access, he can review the meeting. Jim Carnell – The minutes from the meeting will be posted online. Chairman McClernon – Will they be posted prior to the next meeting since they can’t be approved until then? Laura – A draft copy of the minutes will be posted and the approved ones after the next meeting. Phyllis Perry – Okay, so there will be minutes posted for your client to review. Daniel Schneider – What about a copy of this recording, which is subject to the Freedom of Information Act? Jim Carnell – The recording is only available for the purpose of taking minutes and then recording is no longer saved. Daniel Schneider – Well I request the record be preserved so that my client can see the hearing. Paula Kay – The official meeting of the Town of Thompson Zoning Board is the in-person meeting and the Zoom is only an accommodation. You will be accorded a copy of the minutes and they will be posted. Daniel Schneider – But, the minutes are based on the recording, correct? Paula Kay – If you want to discuss this with me privately, we most certainly can do so, but as Jim and Laura have stated the minutes will be available online for anyone who wants to review them. Daniel Schneider – When will those minutes be available? I heard not until the next meeting. Laura Eppers – The draft minutes will be available within the next 2 weeks. Paula Kay – And again, you should be able to impart exactly to your client what happened tonight.

Chet Krinsky residing at 26 Highview Terrance. – I am a resident of the HOA and also a board member. I would like to start by thanking this Board for entertaining postponing this so that some changes can be made and Mr. Klinov for being so accommodating. My concerns were the side yard setbacks, but from what I have heard, the applicant is, without hesitation, willing to remove the side deck helping with those. Those side yard setbacks are really important because that is what allows the open air and green space between the different properties. It is important not to compromise that because that’s when the density of the buildings increase and the distance between structures decrease and takes away from the beauty of the area we live in. Again, I want to thank the Board and Mr. Klinov for working together to uphold the necessary regulations to keep our quality of life the same.

No further questions or comments from the public.

Paula Kay – I think the real issue here, as Jim had asked, is to give the applicant time to go back and review exactly what he wants to do with the changes that have been suggested and then bring that all back to the Board for their review. The Board can also leave the public hearing open if the Board so

choses, but 60 days seems like a long period of time. Usually, the Board would hold it open for 30 days or until the next meeting, assuming the applicant can get everything completed and back to the Board in time to meet our deadline for the next meeting. Laura, do you know off hand what that date would be? Laura Eppers – The deadline for the March 14th meeting is February 17th. Paula Kay – So, that is this Friday and that may not be enough time to make it on the next meeting. Jim Carnell – Can you get the revised plan in by Friday? Yevgeniy Klinov – I can have the revised plan by tomorrow. Paula Kay – Okay. If you can get everything in in proper fashion, and the Board choses to keep the hearing open, Laura will upload everything to the Google Drive and the public will be able to review it with plenty of time before the next meeting. If he cannot get the revised plan in by Friday, then it will have to go on the April 11th agenda.

Cindy Ruff – Did you have any of the mailings returned to you as undelivered? Yevgeniy Klinov – No. Paula Kay – So everyone is aware, it doesn't matter if it comes back as undeliverable, the applicant has done his job in sending out the notices. Whether or not the notices are received is not part of our statute. The applicant must substantially comply with mailing out the legal notices and he certainly has. Daniel Schneider – If you look at the return receipt that was sent to my clients, it does not have their last name on it. Paula Kay – We understand that sir. Daniel Schneider – I don't think it is considered substantial compliance to mail a letter to somebody's first name without a last name. Paula Kay – That is not the mailing, the envelope is, and substantial compliance in our code is that he substantially complied by mailing out the legal notice to all property owners on the mailing list the Town provided. If there is an issue with 1 of the 20 mailings, that is substantial compliance. Daniel Schneider – Even if the person who didn't get the notice is right next door and directly affected? Paula Kay – Yes. Daniel Schneider – I would like to see a case on that because I don't believe that is valid under the constitution of due process. Paula Kay – You are more than welcome to look that up sir. Daniel Schneider – If I have to I will, but you seem to be so sure, so you must know a case. Paula Kay – I am reading the code and you should do so as well. You being here on your client's behalf means that your client was noticed and they were also able to submitted their comment. The Board has discussed adjourning this for 30 days so that the applicant can address the issues raised tonight, including those of your clients', and come back with a modified application.

Phyllis Perry – To recap, you are going to make some changes to your plan and submit those by Friday so that you can come back to the next meeting, which is in 30days. Paula Kay – You will have to change some of the demotions and look at all of the variances you requested because you are not going to need that many anymore. It might be helpful to go through all of them with the Building Dept., so that you are asking for exactly what you need. Laura Eppers – Does he need to re-notice? Paula Kay – No, because he is reducing the variances. Yevgeniy Klinov – I will stop into the Building Dept. tomorrow morning and hopefully have updated plans by that evening.

No further questions or comments from the Board.

A motion to keep the public hearing open for 30, to allow the applicant time to revise and resubmit his plans, was made by John Kelly and second by Phyllis Perry.
5 in favor, 0 opposed.

A motion to close the meeting was made by Jay Mendels and second by Sean Walker.
5 in favor, 0 opposed.

Respectfully submitted,

Laura Eppers
Secretary
Town of Thompson Zoning Board of Appeals