

TOWN OF THOMPSON
ZONING BOARD OF APPEALS
October 8, 2024

IN ATTENDANCE: Richard McClernon, Chairman Darren Miller, Alternate
Cindy Ruff Dana Heimbach, Alternate
Phyllis Perry Steve Vegliante, Consulting Attorney
Jay Mendels Laura Eppers, Secretary
Sean Walker
Logan Morey, Building Planning, Zoning

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

APPLICANT: ROBERT DESENA

Hilltop Road
Monticello, NY
S/B/L: 27.-1-11.4

Applicant is requesting an Area Variance from §250-16A(5) & 16B of the Town of Thompson Zoning Code for (1) Use of box trailers as storage sheds – not permitted (2) Accessory without a main structure – not permitted. Property is located on Hilltop Road, Monticello, NY. S/B/L: 27.-1-11.4. In the Zone: RR-2

Chairman McClernon read the legal notice aloud.

Proof of mailings were received.

Chairman McClernon – You are here tonight for the box trailer you have. As you are aware, they are not permitted in the Town. Robert DeSena – I was told that it would be permitted if I made it to look like a shed. Chairman McClernon – Is that correct Logan? Logan Morey – Yes. Robert DeSena – And that is what I am in the process of doing. I don't know if anybody has been there recently. Chairman McClernon – I was out there the other day and took some pictures that I have here. Robert DeSena – Okay. Chairman McClernon – It is my understanding that there is no house on this property, just the storage container. Is that correct? Robert DeSena – Yes. Chairman McClernon – Okay, and that is also not permitted. There has to be a residence with an accessory building. Robert DeSena – That's not what I was told. Steve Vegliante – It is part of our code, so you cannot have an accessory building on a lot without a primary structure. Logan Morey – Again, that is one of the variances you are requesting. Robert DeSena – Oh, okay. I just do what I'm told, but I did call and ask and was told it was okay. I currently have a permit to build a garage, but I am wait to pour the slab, which is impossible, so these containers were supposed to be temporary. They were even there before the house was built and nobody said a word to me. Chairman McClernon – Maybe they couldn't be seen from the road. Robert DeSena – They could be. Logan Morey – Most people use things like this for storage during construction of the house, but get rid of them when it is done. Robert DeSena – Well, now we needed them for storage until the garage is built. Chairman McClernon – Looking at the aerial view from April of 2023, it

doesn't look like the storage containers were there at that time. Robert DeSena – They were there. They have been there before the house. Jay Mendels – Where they different storage containers? Robert DeSena – No, these are the same two storage containers. I can probably show you receipts from the guys who delivered them if you need proof that they have always been there. Chairman McClernon – You also own the property next door, which is where the house is, right? Robert DeSena – Yes. Chairman McClernon – If you combined the two properties you could eliminate one of the variances. Robert DeSena – They were originally three lots and I already had to combined two of them, because I messed up with the survey when building the house, but if I need to combined this one as well, I guess I can. I will have to go through that whole process again, right? Chairman McClernon – Well, it would eliminate a variance. Steve Vegliante – Can I jump in really quick? Chairman McClernon – Sure. Steve Vegliante – Coming to the ZBA for a variance is like a last resort. So, the reason they are asking you to eliminate the lot line, is because it completely eliminates that variance and prevents this Board from having to vote on it. And I think what they are saying is that they are uncomfortable voting on a variance that can be avoided. The Board generally does not like to grant variances when they are not necessary. Robert DeSena – I just don't want to go through all of those motions, for the storage container to get denied. Steve Vegliante – You will get that answer tonight. Chairman McClernon – Is it okay for us to approve that tonight if he enclosed the container to look like a shed? Steve Vegliante – You can make that a condition. Chairman McClernon – Okay. Sean Walker – Do you by any chance have a picture of the siding? Robert DeSena – There is no siding on it yet, but if you want me to wrap it in plywood or something like that, I can. Jay Mendels – Just something to make it look like a shed. Robert DeSena – That makes it no longer fire proof. Right now, it is and you want me to put flammable plywood around it. Jay Mendels – Well we don't want a box trailer, so you will have to figure something out. Robert DeSena – It's not a box trailer, it is a sea and land container. Jay Mendels – It is a storage container. Robert DeSena – Right, so what's the difference between if I bought a steel shed or have this container? I think this is the safest form of storage out there. Jay Mendels – But it is not in our zoning, so you will have to tell us how you are going to work around that so that we can justify the request. Robert DeSena – What ever I have to do, I will do. As the Chairman has seen, I have already started enclosing the shed once I was told. I really don't want to combined the lots for tax reasons though. I already had to do that once and the original plan was to build a house on the middle 5 acres and keep the other two vacant so that nobody could build next to me. If I have to combined all 15 acres my taxes are going to be through the roof. Steve Vegliante – That shouldn't make them more, it should make them less. Logan Morey – Correct because you no longer have an extra lot. Steve Vegliante – Each lot gets a minimum tax, so removing the lot line would make them less, not more. Robert DeSena – Okay, so tell me what I need to do, and I'll do it. Chairman McClernon – Basically, you have to enclose the 2 containers to make them look like a shed and combined to the 2 lots. Robert DeSena – How do you close the front of it? Chairman McClernon – You could still use plywood and give it 2 doors like a shed would probably have. Robert DeSena – So, there will be a set of doors that opens up to another set of doors? Chairman McClernon – The doors face the front of the property, right? Robert DeSena – No, it opens to the back of the property, so you will not see the doors from the road side. Steve Vegliante – If the Board does decide to grant the variance, you can leave all of that up to the discretion of the Building Department. Chairman McClernon – Okay. Jay Mendels – You mentioned there is going to be a garage, is that going to be on the parcel with the house? Robert DeSena – Yes. Jay Mendels – And you mentioned they would be for temporary storage, but now you want to keep them? Robert DeSena – Well now I would especially if I have to combined the lots. I can put my boat under the middle of the 2 containers. Steve Vegliante – So,

you want to keep them, right? Robert DeSena – I might as well. Steve Vegliante – Okay, because if you are not keeping it, and it is just temporary, that is a different story. Chairman McClernon – Right. If they are temporary, you wouldn't need a variance. Robert DeSena – I would like to keep them if we can come up with an agreement, but if not, then I will do what I have to do and get the out of there. But I need storage and would like to keep them. Steve Vegliante – Okay.

No further questions or comments from the Board at this time.

The meeting was opened up for public comment. No public for this application.

A motion to close the public hearing was made by Jay Mendels and seconded by Cindy Ruff.
All in favor, 0 opposed.

Jay Mendels – A couple of things. We don't have to grant the variance; you are here to ask us to and present your case. In order for us to be able to vote, you need to tell us why you deserve an exception from our zoning laws. Instead of us telling you what you need to do, you tell us what you can do to make us justify saying yes. Robert DeSena – Okay. I am going to do whatever I need to do to make the containers look like a shed and I need them for additional fulltime storage. I can make them both look like one shed from the road side. Phyllis Perry – And remove the lot line? Robert DeSena – Yes. Jay Mendels – Which sounds like a win, win for you. Robert DeSena – Well, I hope so. Jay Mendels – Do you plan to run any utilities, such as electricity or water? Robert DeSena – No. If I do put any lights, they will be solar.

No further questions from the Board.

The Board agreed to vote on the variance requests separately.

Variance request #1:

- (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; 2 voted no (Phyllis Perry & Cindy Ruff) and 3 voted yes
- (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 the first requested variance, subject to the storage containers being made to look like one shed, was made by Jay Mendels and seconded by Sean Walker.
All in favor, 0 opposed

Variance request #2:

A motion to deny the second requested variance was made by Jay Mendels and seconded by Richard McClernon.
All in favor, 0 opposed

APPLICANT: HOUSE OF GOODNESS & KINDNESS

499 Sacket Lake Road

Monticello, NY

S/B/L: 45.-6-1

Alan Weider, Representative

Applicant is requesting an Area Variance from §250-16A(2) of the Town of Thompson Zoning Code for (1) Accessory building setback from required 10' to proposed 7.5'. Property is located at 499 Sacket Lake Road, Monticello, NY. S/B/L: 45.-6-1. In the Zone: SR with Central W/S

Chairman McClernon read legal notice aloud.

Proof of mailings were received.

Chairman McClernon – It looks like you are here tonight because the applicant put a roof up over the existing deck to cover the new hot tub. Alan Weider – That is correct. Jay Mendels – And the hot tub and the platform would have been permitted by themselves, but adding the covering made it so it now needs to conform to setbacks. Alan Weider – That is correct. Jay Mendels – Is the fence on this property or does it belong to the neighbor? Alan Weider – It is on this property. Jay Mendels – Was it put up for privacy for the hot tub? Alan Weider – Part of the fence was already there and they just added on. There is a right-of-way right that some of the neighbors use right on the other side of the fence. Jay Mendels – Okay and was the platform already there as well? Alan Weider – No, we added the platform, but it is less than a foot off the ground. Jay Mendels – So, if you built it for this reason, why didn't you just move it away from the property line? Alan Weider – We didn't realize it was going to need a variance. Chairman McClernon – The platform itself didn't need a variance, but now that they covered it, they need one. Jay Mendels – Is there an intension to close it? Alan Weider – No. It is all open with only some dangly lights.

No further questions or comments from the Board at this time.

The meeting was opened up to the public for comment. No public for this application.

A motion to close the public hearing was made by Jay Mendels and seconded by Sean Walker.
All 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 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 as requested was made by Jay Mendels and seconded by Cindy Ruff.
All in favor, 0 opposed

APPLICANT: JACOB POLICK

1286 Old Route 17

Ferndale, NY

S/B/L: 1.-1-29

Moshe Attie, Representative

Applicant is requesting an Area Variance from §250-8 & 21B(4) of the Town of Thompson Zoning Code for (1) Combined side yard setback from required 50' to proposed 32.2' (2) Increasing a nonconforming – not permitted. Property is located at 1286 Old Route 17, Ferndale, NY. S/B/L: 1.-1-29. In the Zone: RR-1

Chairman McClernon read legal notice aloud.

Proof of mailings were received.

Moshe Attie – Good evening I am here tonight to represent the applicant, Jacob Polick. I know there was a question on the ownership being different and that is because they are in contract. We did provide an Owner's Proxy for that reason. The new owners are looking to extend the house, but to do that they will need a variance for the combined side yard setback. Also, the lot is undersized and is pre-existing non-conforming, so we will need a variance for that as well. Chairman McClernon – During the work session we also had a question on whether there would still be enough room for the road to go around to the back? Moshe Attie – Yes. There will be a 20-foot path to get around the side. Chairman McClernon – Okay, enough room for a vehicle. Jay Mendels – What is the current square footage and the proposed square footage? Moshe Attie – It is currently under the required 1,000 sq. ft. and with the extension, it will be over that. Sorry, I don't have the exact numbers on there. Logan Morey – It is increasing a non-conforming, because of the setback, not the square footage. Jay Mendels – Okay, got it. So, it is not relevant. Jay Mendels – Will this be just an addition or are the rebuilding? Moshe Attie – Just an extension. Jay Mendels – Will it match the rest of the house? Moshe Attie – Yes, the entire house is going to be re-sided.

No further questions or comments from the Board.

The meeting was opened up to the public for comment. No public for this application.

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

The Board agreed to vote on both variances together.

(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 variances as requested was made by Phyllis Perry and seconded by Jay Mendels.
All in favor, 0 opposed

APPLICANT: IDA PEREIRA

12 James Place
Monticello, NY
S/B/L: 9.B-1-26
Tim Bunch, Contractor
Tony Siciliano, Surveyor

Applicant is requesting an Area Variance from §250-7 of the Town of Thompson Zoning Code for (1) Row house front yard setback from 30' to proposed 19.7' (2) Row house rear yard setback from required 35' to proposed 19.6' (3) Row house one side yard setback from required 4' to proposed 0' (both sides) (4) Row house combined side yard setback from required 25' to proposed 0' (5) Row house percent of lot coverage from required 20% to proposed 42%. Property is located at 12 James Place, Monticello, NY. S/B/L: 9.B-1-26. In the Zone: SR with Central W/S

Chairman McClernon read legal notice aloud.

Proof of mailings were received.

HOA approval was received.

Ida Pereira – I lost this house last year in the explosion and I am just looking to re-build it. Tony Siciliano – This was one of the houses destroyed in the explosion in Patio Homes. This is the house directly to the right of the house that exploded. Tim Bunch – The footprint will remain the same, 24'x24', however there was a mud room in the front that she wants to shift over to the opposite side and to build the room off the back on a frost wall, instead of pilons, to make it more energy efficient. Chairman McClernon – But it is staying the same size? Tim Bunch – The same size, the only change is there used to be a 4-foot walkway up the front and the room in the back had to be shifted over 5 feet for ventilation purposes. There will also now be an 8-foot deck on the back. Chairman McClernon – What about the deck in the front? Tim Bunches – That was always there, but it was lower than it is proposed now. Chairman McClernon – So, the entrance will now be from the side of that little mudroom, instead of the front? Tim Bunch – Yes. Jay Mendels – Just out of curiosity, did you have to re-build the foundation or were you able to salvage it? Tim Bunches – We can use the original foundation. Jay Mendels – And everything is okay with the height and things like that? Tim Bunch – Yes. The HOA approved everything prior to us coming here. Jay Mendels – We use that as a guidance, but that does not really affect us. We are glad to see that they are in agreeance though. How tall will it be? Tim Bunch – It is going to be a 2-story with a 4-foot lift from the foundation. Chairman McClernon – And the maximum is 30 feet, so as long as it is under that your good. Tim Bunch – It will most definitely be. Steve Vegliante – Is the reason for the lift for windows in the basement? Tim Bunch – Yes. There will be an egress window down there. Steve Vegliante – For living space? Tim Bunch – No, but there will be a washer/dryer down there. Jay Mendels- Are they planning to re-build the house in the middle? Tim Bunch – They have reached out to

me and we are in negotiations, but they were underinsured so they are not really sure what route they are going to go.

No further questions or comments from the Board.

The meeting was opened up to the public for comments. No public for this application, but written correspondence was received and read aloud for the record.

David Spira written comment: https://drive.google.com/open?id=14U4K_vq9Viny3AJb04A-8JAD4QQB0cRk&usp=drive_fs

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

The Board agreed to vote on all requests together.

(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 Jay Mendels and seconded by Cindy Ruff.
All in favor, 0 opposed

A motion to go into an executive session, for potential litigation, at 7:41 p.m. was made by Jay Mendels and seconded by Phyllis Perry.
All in favor, 0 opposed

A motion to close the executive session at 8:06 p.m. was made by Jay Mendels and seconded by Phyllis Perry.
All in favor, 0 opposed

A motion to close the meeting at 8:06 p.m. was made by Jay Mendels and seconded by Cindy Ruff.
All in favor, 0 opposed.

Respectfully submitted,

Laura Eppers
Secretary
Town of Thompson Zoning Board of Appeals