

TOWN OF THOMPSON
ZONING BOARD OF APPEALS
Tuesday, May 9, 2017

APPROVED

IN ATTENDANCE: Acting Chairman Richard Benson
Robert Hoose Pamela Zaitchick
Jay Mendels
Paula Elaine Kay, Attorney
Debbie Mitchell, Secretary



Absent: Chairman McClernon, James Carnell, Jose DeJesus

Acting Chairman Benson called the meeting to order at 7:01 p.m. with the Pledge to the Flag.

A motion to approve the March 14, 2017 minutes was made by Jay Mendels and seconded by Pamela Zaitchick
4 in favor, 0 opposed

Bijal Patel

Property is located in the SR / no W/S zone at Old Sackett Road, Rock Hill, NY S/B/L: 52.-1-17.2

Applicant is requesting a(n) area variance from code §250-7 of the Town of Thompson Zoning Code for the following purpose of increasing the height to a single-family residence from the required 30 feet to propose 37 feet.

Sonny Patel, applicant
Scot Freestone, Architect

Satisfactory proof of mailing was provided to the Board.

Mr. Freestone – Purposing a new one family structure that is approximately a 10,000 square foot residence with an attached garage, attached enclosed pool area and due to the large scale of the house we are looking to increase the height.

Acting Chairman Benson – Are there going to be 10 feet high ceiling on first floor? Mr. Freestone – Yes

Jay Mendels– What is the reason for not staying within 30 feet? Mr. Freestone - Because of the size of the house.

Acting Chairman Benson – What is the roofs pitch? Mr. Freestone – 4 ½ to 5 on 12 roof pitch.

Pamela Zaitchick – Any other homes in the area with this kind of height? Mr. Freestone – Probably not.

Robert Hoose – Who own’s the adjoining lots? Mr. Patel – We do.

Jay Mendels-Are you looking to develop the other two lots? Mr. Patel – No, but if we decided to sell we will sell them all together. All the tree’s that will be around the house will be the same height as the house.

Acting Chairman Benson – What is the distance from the road? Mr. Freestone – 600 feet.

Jay Mendels – Is there a structure there now? Mr. Freestone – No.

PUBLIC COMMENT:

Frank Mascolo, 311 Old Sackett Road - Will I be able to see this house. Acting Chairman Benson – It will be 600 to 700 feet from the road. Mr. Freestone – With the curvature of the driveway it will be hard to see. Robert Hoose – Do you think you can see it from the road? Mr. Mascolo It’s hard to say. Mr. Freestone shows Mr. Mascolo the map. Mr. Mascolo says he has no problem with the building of this house.

PUBLIC COMMENT CLOSED

Robert Hoose – Will you keep as many trees as possible? Mr. Freestone – Yes.

The Board had no further questions.

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; Jay Mendels personally thinks it is substantial, but is not adverse to it. Robert Hoose says it’s a big piece of property and see no issues. Acting Chairman Benson agrees and says because of the size of the house it’s substantial. Pamela Zaitchick also thinks it’s substantial.

(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 area variance as requested was made by Jay Mendels and seconded by Robert Hoose

4 in favor; 0 opposed

Stephen Suarez

Property is located in zone RR-2 at 212 South Shore Drive, Rock Hill, NY S/B/L: 66.-35-8

Applicant is requesting a(n) area variance from code §250-9 of the Town of Thompson Zoning Code for the following, 1) the side yard from the required 20 feet to the proposed 17 feet, 2) the front yard setback from the required 50 feet to the proposed 43.5 feet, 3) the combined side yard from the required 50 feet to the proposed 46.6 feet and 4) increasing a non-conforming structure code §250-21B(4).

Richard Spoto, contractor

Satisfactory proof of mailing was provided to the Board.

Acting Chairman Benson – We got the letter from the Wolf Lake Home Owners Association.

Paula Kay – Acting Chairman Benson did you get the owners proxy? Acting Chairman Benson – Yes.

Mr. Spoto- We are not changing the footprint. We are repairing the back deck and bringing it to the corner of the house, gutting the house and leaving up the existing walls allowing us not to change the dimensions of the existing house and removing the concrete steps to put on a new 6-foot front deck.

Acting Chairman Benson – Do you know where the septic is? It's not on the map. Mr. Spoto – Not sure where the septic is. We have our septic certification for Wolf Lake tomorrow. Acting Chairman Benson – You can't put a deck over the septic. Mr. Spoto shows on the map where the deck is and maybe where the septic is. Acting Chairman Benson – We just need to know that you're not building on the septic. We need a map to show where the septic and well is. We can make this contingent until we get the map. Paula Kay–Before you get a building permit you need to show the well and septic on the map.

Jay Mendel – You're taking off the back stairwell, will that be replaced?

Mr. Spoto – No.

Pamela Zaitchick – Is this a one level house? Mr. Spoto – One story with a loft that we are putting in.

PUBLIC COMMENT:

Clinton Gillen 214 South Shore Drive – Which side are you expanding the house on?

Acting Chairman Benson – There is no expansion.

Mr. Spoto – We are not expanding the house, just bringing the deck to the corner of the house and making repairs to it. Mr. Spoto shows Mr. Gillen the map. The steps and platform are coming off making the house further away from the lake.

Paula Kay – The house was not originally built to code and because they are trying to square up the house they had to come to the Zoning Board of Appeals. Acting Chairman Benson – Because it changed the side yard setbacks.

Ms. Gillen – The septic was done in 1950 and I have concerns about it since you are adding another room. Mr. Spoto- We are getting septic certification tomorrow and if not we will replace the septic.

PUBLIC COMMENT CLOSE.

The Board as no further questions.

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 the area variances with the contingency that a new map is shown to Jim Carnell showing where the septic and well are located as requested by Robert Hoose and seconded by Jay Mendels

4 in favor; 0 opposed

Choice Properties of Monticello

Property is located in the HC-2 / central W/S zone at 4370 State Route 42, Monticello NY S/B/L: 13.-3-39

Applicant is requesting a(n) area variances from code §250-11 of the Town of Thompson Zoning Code for the following purpose 1) the front yard setback from the required 50 feet to the proposed 44.2 feet, 2) the rear yard setback from the required 50 feet to the proposed 25.8 feet, 3) rear yard setback from the required 50 feet to the proposed 28.6 feet.

Bill Norton - Mercurio, Norton, Tarolli, Marshall

Acting Chairman Benson - No mailing was sent out. Mr. Norton – This is not a public hearing. Paula Kay – Yes, it is and it was put in the paper for the public. Generally, all Zoning Board meetings are public hearings. What you will have to do is do your mailing and then have a public hearing at the next meeting and do it all over again.

Acting Chairman Benson – We waive the reading of the legal notice since there is no one here.

Paula Kay – Do you know if there was a mailing done? Mr. Norton – Not sure. If we find out that they did do a mailing can we just reschedule for next month? Acting Chairman Benson – No, the public needs to be notified again.

Jay Mendels – You have a canopy as an accessory structure on the front yard. I understand that. And 2 is a 5.8 front setback for the proposed canopy. Not sure what that is. Mr. Norton – This has two front yards because of Golden Ridge Road on the one side. There is a variance request for a front yard setback off of Golden Ridge Road since we don't have 50 feet as well as a variance for the rear yard for the canopy. The third variance is for the bathroom even though its further off the line a variance is needed. Jay Mendels – I understand now the 5.8 is the difference between the 44.2 and the 50 required. Are there any changes to the building? Paula Kay – Yes, they went to the planning board but then had to come here for the variance because they are doing a complete renovation.

Acting Chairman Benson – Heather sent something to me from the DOT and it said something about the right of away and needed to be moved. Jay Mendels – The DOT said the site plan shows several items encroaching the state's right of way including a sign and light poles. Mr. Norton – The sign will be new and at a different location. Acting Chairman Benson – It says you can do it but you will need approval.

Pamela Zaitchick – Can you explain how you will get in and out? Mr. Norton – The entrance will stay where it is. They can drive behind the building and then out the other side. There will be a new retaining wall back there. Pamela Zaitchick – Will they be driving through parking spaces? Mr. Norton – There is parking all around the building. Mr. Norton shows the board the parking on the map.


Paula – This will be a great addition to the Route 42 corridor.

Robert Hoose – I thought there was a well in the back of the building? Mr. Norton – I'm not sure.

The Board had no further questions.
No public comment.

Motion to adjourn meeting 7:32 by Jay Mendels and seconded by Robert Hoose

Respectfully submitted,



Debbie Mitchell
Secretary
Town of Thompson Zoning Board of Appeals