

TOWN OF THOMPSON
ZONING BOARD OF APPEALS
Tuesday, August 8, 2017



IN ATTENDANCE: Chairman Richard McClernon Richard Benson
Robert Hoose Pamela Zaitchick
Paula Elaine Kay, Attorney
James Carnell, Director of Building/Planning/Zoning
Debbie Mitchell, Secretary

APPROVED

Absent: Jay Mendels and Jose DeJesus

This is a continuation from last month's Zoning Board of Appeals meeting on July 11, 2017. There was a language barrier between the Zoning Board and Mr. Gomes. Paula Kay requested that Mr. Gomes come back this month with an interpreter that the Town of Thompson pays for, in order to make sure that not only the Board knows what going on but to make sure Mr. Gomes understands everything the Board is requesting.

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

A motion to approve the July 11, ,2017 minutes was made by Richard Benson and seconded by Robert Hoose
4 in favor, 0 opposed

Appeal by: SILVESTRE GOMES

Property is located in the SR Zone with central w/s at 17 Dillon Road, Monticello, NY S/B/L: 22.-2-4

Applicants are requesting area variances from §250-7, §250-21B(4) and §250-16A(2) of the Town of Thompson Zoning Code for the following purposes: 1) one side yard setback required 15' to proposed .3'. 2) one side yard setback required 15' to proposed 4.4' 3) combined side yard setback required 40' to proposed 4.7' 4) increasing a nonconforming structure 5) accessory building setback from all property lines required 10' to proposed 1' 6) accessory building setback from property lines required 10' to proposed 2.5'.

Silvestre Gomes, Owner

Tiago Gomes, Son

Satisfactory proof of mailing was provided to the Board.

Jim Carnell has called an interpreter to help with the applicant's language barrier.

Tiago Gomes – My father purchased the house and he started to build on it.

Chairman Richard McClernon - You are requesting a one side yard setback that is a required 15 feet to proposed 4.4 feet and a combined side yard setback of required 40 feet and the applicant only has 10.2 feet. A shed that is supposed to be 10 feet from the property line, one side is 1 foot and the other side is 2.5 feet from the property line. Mr. Gomes – The property was already done I just build a little bit I bought it like that. Chairman Richard McClernon – Also the fence is 0.3 feet over the property line on someone else’s property. Paula Kay – So you will need to move the fence. Mr. Gomes – No, I already moved the fence it’s on my property. Paula Kay - This is why we asked for an updated survey. This survey is dated May. Mr. Gomes – No, it was done recently. The architect was just there, it’s still the same. Tiago Gomes– They were there one month prior to the original meeting. Chairman Richard McClernon –The only thing we have is a map that show the fence over the property line. We asked at the last meeting to bring an updated survey. Paula Kay – You need to show the board that the fence is on your property and that could be a condition for tonight if we decide to vote. Mr. Gomes – I did a survey you need to talk to the company again. Jim Carnell – I don’t know the fence has been moved or not.

Pamela Zaitchick– You put up the fence? Mr. Gomes – Yes.

Chairman Richard McClernon – Is he putting the car port back? Tiago Gomes – No he is not. Mr. Gomes – I think everything is within my property, that I am not outside of anything. Richard Benson - We needed an updated survey in order to give you a variance.

Pamela Zaitchick - Is he asking for a variance because they are already done? Jim Carnell – They are already done. They came last month and the car port was removed. He built a car port and then removed it after being fined for not having a permit. The shed and small addition is what he is asking for now. Chairman Richard McClernon – The additions were done without permits. The location of the fence might determine if we need him to tear down the addition and his porch. But we don’t want to do that. Mr. Gomes – Everything I did was within my property.

Chairman Richard McClernon – To do the additions you need a permit from the town so it can be inspected later on to make sure it’s was done correctly. Tiago Gomes – I will sit down with my father and explain everything and we will get it all straighten out.

Pamela Zaitchick – Can we wait on the court? Paula Kay – No, we have to act before the court. Pamela Zaitchick – So we are going from 10 feet to 1 foot?

Tiago Gomes – The property to the left is a medical building and on the right side is a residential home. I believe the fence is towards the medical building which is an open lot. Robert Hoose – In other words we need them to move the fence.

Tiago Gomes – I was not there when the site map was done for the car port. And I’m assuming they just updated the car port and not the whole property on the site plan. So, if it is showing that it is 0.3 feet then we need to get them out again and have them show the updated fence.

Richard Benson – The combined was requested at 4.7 feet but its actually 10.2 feet combined and the paperwork is showing 4.7 feet.

Jim Carnell - Its ok because what he is providing is great then what he asking for.

PUBIC COMMENT:

No public comment.

The Board as no 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 one side yard of 4.4 feet, combined side yard of 10.2 feet and the accessory of 1 foot and 2.5 feet. Contingent on the new survey and fence being moved from the other person's property was made by Robert Hoose and seconded by Richard Benson
4 In favor; 0 opposed

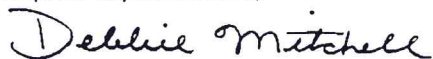
Paula Kay – We had a court date last night, the judge did not issue a warrant since your Dad did not appear. The 21st of Aug or 18th of Sept is the next court date. Call the court and check the date. We are going to ask that Mr. Gomes comes in and pleads guilty and then he will be fined.
Chairman Richard McClernon – Get the survey done asap and get it to the building dept.

Tiago Gomes – What else needs to be done? Jim Carnell – Survey submitted and I'm not sure what was submitted for the building permit, so you will have to check on the permits and see what else needs to be done.

Paula Kay- Once the court is completed and fines paid then you can get your permits.

A motion to close the meeting at 7:26 pm was made by Richard Benson and seconded by Pamela Zaitchick
4 In favor; 0 opposed

Respectfully submitted,



Debbie Mitchell
Secretary
Town of Thompson Zoning Board of Appeals