

APPROVED

TOWN OF THOMPSON
ZONING BOARD OF APPEALS
Tuesday, July 10, 2018

IN ATTENDANCE: Chairman Richard McClernon Richard Benson
Robert Hoose Jay Mendels
Danielle Jose-Decker, Alternate
Ryan Schock
James Carnell, Director of Building/Planning/Zoning
Debbie Mitchell, Secretary



Absent: Paula Kay,

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

A motion to approve the June 12, 2018 minutes was made by Ryan Schock and seconded by Robert Hoose
5 in favor, 0 opposed

Gibber Road Neighborhood

Gibber Road, Monticello, NY S/B/L: 6.-1-9
Glenn Smith, P.E., Engineer

Mr. Smith – This project is on the Gibber Road property by the Town of Fallsburg line. It's going to be a Townhouse development in the SR-zone for attached Town Houses. The minimum bulk rate is 10 acres plus side yards and the maximum lot coverage is 20%. This coverage is 8.5 % lot coverage, well less than what is needed. And the parcel size is 103 acres which is well above the 10 acres needed. Robert Hoose – It's 65% usable area, right? Mr. Smith – Yes. To determine density, you subtract out the wet lands, 20% steep slopes and ponds to give you the 65%, but you don't determine lot coverage on that. The lots would be sold as a Homeowners Association (HOA). The way the Town Code reads is; that each individual taxed unit's will be a lot. In this case each lot will be 26 ½ feet wide. My interpretation is that the lot coverage is applied to the parent parcel that needs to be 10 acres or more and that's where the 20% came from. I would like to know what the Boards interpretation is?

Robert Hoose – These are Town Houses and the land all around is owned by the Homeowners Association (HOA)? Mr. Smith – Yes, the open areas, the recreational section, sewer and water system will all be owned by the HOA and will have to be approved by the Attorney General's office, just like any other HOA does. Robert Hoose – The outside of the units, like the roof will be covered by the HOA? Mr. Smith – Yes, you have to be very specific for the Attorney General's Office and this will all be overseen by the HOA. Robert Hoose – So it's like a Condo! Glen - It's a Town House with a HOA. Robert Hoose – Where will the sewer go? Mr. Smith - It will be going to the Kiamesha Sewer District. Robert Hoose – And how about water, where will that come from? Mr. Smith – There will be wells drilled on the land. They drilled 5 wells and did testing on them. We will have plenty of water.

Chairman Richard McClernon – Are these going to be Town House's or Condos? Mr. Smith - Each of the parcels will have a tax map number assigned to them and the HOA will have the common space making them Town Houses.

Danielle Jose-Decker – All the requirements are applied to the parent parcel. You don't need 10 acres for each section block lot? Richard Benson – Are we using the parent lot to do the math or the individual dwellings? Mr. Smith - The individual lots are being created by the width of the individual dwelling because the common wall between the dwellings is where the property line is. Richard Benson – If you didn't use the parent lot size then each individual lot would have to be much bigger.

Jay Mendels – I'm a little leery to make a decision on this without our legal counsel present. Mr. Smith - When I first met with Paula Kay she agreed with me that zoning bulk regulations applies to the parent parcel which is a 10-acre minimum.

Chairman Richard McClernon reads the definition of how to get the calculation for lot coverage. Mr. Smith - To determine lot coverage we always used the total parcel including the wet lands, steep slopes and whatever else. Jay Mendels – Jim Carnell can you confirm that? Jim Carnell – Yes, we only deduct that stuff to get the density.

Chairman Richard McClernon – I don't know how we can get a 1 side yard setback of 4 feet? Mr. Smith- They are requiring a minimum 15 foot set back at the end of the row. We are showing 30 feet between each unit.

Richard Benson – Because it's a HOA I agree with the parent parcel interpretation. Mr. Smith - The Attorney General will have to review this project before it gets approved.

Chairman Richard McClernon – Ryan what do you think? Ryan Schock – I'm ok with it being a parent parcel. Chairman Richard McClernon – Jim Carnell said that Paula Kay agreed with the parent parcel. Jim Carnell – Paula Kay and I both agreed that the interpretation is a parent parcel.

A motion of the percentage of lot coverage pertains to the parent parcel was made by Ryan Schock and seconded by Robert Hoose
4 in favor; 1 opposed – Jay Mendels

Maureen Kozlark

29 Sylvan Shore Road, Rock Hill, NY S/B/L: 40.-9-1 RR-1 Zone

Maureen Kozlark, Owner

Tom Kozlark, Owner

Applicant is requesting area variance from §250-8 of the Town of Thompson Zoning Code for the following purpose: 1) side yard setback from required 20' to proposed 11' 2) side yard setback from 20' to proposed 14' 3) combined side yard setback from required 50' to proposed 25' and 4) percentage of lot coverage from required 10% to proposed 17%.

Satisfactory proof of mailing was provided to the Board.

Mrs. Kozlark – I have a house in Wanaksink Lake that my family has owned for 45 years. We would like to extending the deck to wrap around to the front of the house. Richard Benson – You just want to connect the two decks with a small walk through? Mrs. Kozlark – Yes.

Chairman Richard McClernon – Your going to remove the stairs? Mrs. Kozlark – Yes, we are going to move them to the side. Chairman Richard McClernon – You said that one of the stairs are not going to need a variance? Mrs. Kozlark – Correct, since the property next to us is also ours we don't have to worry about the stairs being too close to the property line.

Chairman Richard McClernon – Is there a mobile home on the property? Mrs. Kozlark – No, there was a Silver Stream Camper there but my Dad had that removed.

Jay Mendels – We normally get a letter from the Wanaksink Homeowners Association and we have not yet gotten one. Mrs. Kozlark – I did write them a letter and I don't know if they had there meeting yet. I talked to the Director of our street, Walt Kellyhouse and he is also on the board and he said there will be no problems. Chairman Richard McClernon – We like to get an official letter from the Wanaksink Homeowners Association to see what they have to say.

Chairman Richard McClernon – Anybody have any question about the 11 feet on the new deck? Jay Mendels – No. Chairman Richard McClernon – What about the lot coverage from 10% to 17%? Danielle Jose-Decker – Do you know what the existing size is? Mrs. Kozlark – No, I don't have that information with me. Danielle Jose-Decker – Do the stairs count for lot coverage? Richard Benson – Yes, if they are above one foot. Danielle Jose-Decker – Actually the new stairs are smaller then the old ones.

Jay Mendels – Will there be separate stairs off the new deck? Mrs. Kozlark – No. Chairman Richard McClernon – The new deck is 240 feet which is not much when you subtract the stairway.

Jay Mendels – Will you be replacing the old deck? Mrs. Kozlark – We are just replacing the boards.

Jay Mendels – I would like to see what Wanaksink Lake Association has to say.

PUBLIC COMMENT:

No public comment

PUBLIC COMMENT CLOSE:

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 4 requested variances contingent upon the letter from the Wanaksink Lake Association was made by Richard Benson and seconded by Ryan Schock
5 in favor; 0 opposed

George & Patricia Cullin

Lake Shore Drive, Monticello, NY S/B/L: 42.-11-2.3 RR-2 Zone
George Cullin

Applicant is requesting area variances from §250-16B and §250-16(A)2 of the Town of Thompson Zoning Code for the following purpose: 1) Required: accessory with a main structure to proposed: accessory without a main structure and 2) required accessory building setback 10' from front yard to proposed 0'.

Chairman Richard McClernon – We see that you have a deed restriction, prohibiting the boat shed.
Chairman Richard McClernon read the deed restriction for Mr. Cullin.

Mr. Cullin – I did not know about that restriction. I thought this was a Town regulation not a deed restriction. Chairman Richard McClernon – Since there is a deed restriction we can't go any further. We are not allowed to go against the deed.

Mr. Cullin – Is there anyway to get around it? What if I combined the lots, will this work? Chairman Richard McClernon – If you combine the lots the shed has to be either even with or behind the house.

Mr. Cullin – Can I get a variance for that? I ask because I have a lot of trees and I don't want to take down the trees. Richard Benson – Yes, once you combined the lots you can come back for a variance.

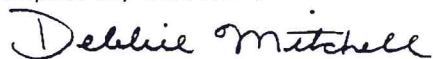
Jim Carnell - You will have to go to the Planning Board to combine the lots, and because you're in a RR-2 Zoning you can have the Planning Board make the decision for you on this request and then you won't have to come back here. Just make sure you state everything on the application.

Mr. Cullin withdrew his application.

Satisfactory proof of mailing was provided to the Board.

A motion to close the meeting at 7:39 pm was made by Ryan Schock and seconded by Jay Mendels
5 In favor; 0 opposed

Respectfully submitted,



Debbie Mitchell
Secretary
Town of Thompson Zoning Board of Appeals