

TOWN OF THOMPSON  
ZONING BOARD OF APPEALS  
Tuesday, October 9, 2018

APPROVED

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

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

A motion to approve the September 12, 2018 minutes was made by Richard Benson and seconded by Robert Hoose

5 in favor, 0 opposed

**JAMES & KAREN CAPPADONA**

Applicant is requesting area variances from §250-9 and §250-16B of the Town of Thompson Zoning Code for the following purpose: 1) Accessory structure closer to the road than the main building and 2) Garage setback from required 25' to proposed 22.6'

Property is located at 178 Canal Road, Rock Hill, NY S/B/L: 66.-17-19 in the RR2 zone.  
Ken Wallack, representing the applicant

Satisfactory proof of mailing was provided to the Board.

Mr. Wallack – This is a non-conforming lake front lot so it's hard to put the garage in the back. And because of the grade we cannot attach it to the house, also there is the current septic system on the one side of the house. This is the most logical spot for this garage. They are moving up here year-round and need a two-car garage.

Jay Mendels – One of the variances can be withdrawn correct? Jim Carnell – Yes, because the lake front is considered the front of the house they won't need the first variance. I thought this house was on the opposite side of the road.

Mr. Wallack – This is further back than 22 feet because of the curve in the road. I also have permission from the Wolf Lake Homeowners Association. Chairman Richard McClernon – The letter in the file.

**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. Jay Mendels - I think its substantial when compared to code. Richard Benson – But not to the homes in the area, they all have similar setbacks.
- (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 requested variance was made by Ryan Schock and seconded by Jay Mendels 5 in favor; 0 opposed

**SEFARADY ESTATES, INC**

Applicant is requesting area variances from §250-34(D)8 of the Town of Thompson Zoning Code for the following purpose of required bungalows to be built on a full foundation/slab designed for year-round use proposed bungalows to be rebuilt on piers. Units requesting variance are: A1-A8, B1-B12, D5, D6, E1-E10, H1-H3 and T7

Property is located at 631 Old Liberty Road, Monticello, NY S/B/L: 5.-1-10.2 in the RR1 zone.  
Joel Kohn, representing the applicant

Satisfactory proof of mailing was provided to the Board.

Mr. Kohn - The project is on Old Liberty Road. It's a bungalow colony that has not been used in 6 or 7 year. The new perspective buyer wants to renovate the existing units or replace some of them. Town Code says to replace they would need full foundations and that would cost too much. They would rather renovate and place the buildings on piers. Our variance for tonight is to put the buildings on piers verses full foundations. Jay Mendels – Full foundation or slabs! Mr. Kohn – Slabs would be a monolithic slab. Richard Benson – I don't think monolithic slabs are allowed any more, are they?  
Jim Carnell – They are permitted but they are cost prohibited. Mr. Kohn – It might even cost more than a full foundation with all the requirements today.

Jay Mendels- My concern is I don't want to see dilapidated bungalows like we had when I was a kid. I like the fact that the buildings have to be put on full foundations and don't look cheap. Mr. Kohn – Typically the old slabs were floating and they shifted in the winter. The new foundations have to be frost protecting and don't move. Paula Kay – Do you have any rendering's the Board can look at? Mr. Kohn – No, because we don't know if they are replacing the existing buildings or just renovating them.



Paula Kay – To help the Board we would need to see what they would look like on piers. Local law 6 of 2006 is stricter than the state code with regards to bungalow construction. If the applicant decides to challenge this law it's quite likely the applicant will win. Chairman Richard McClernon – But it might force the Town to do diligent and present this to the State for approval. Paula Kay – The state would have to enact legislation first. On a local level we can't enact anything that is stricter than the state. Chairman Richard McClernon – We could get approval from the State. Richard Benson – We can't supersede state code.

Jay Mendels – I need to see how the new construction will look. Mr. Kohn – We are not adding anything to the property.

Robert Hoose – Will these buildings have heat? Mr. Kohn – Yes, they have to be built to year-round standards. Ryan Schock – Then the piers will be enclosed so you won't see them. This is being done on Rose Valley Road right now. Robert Hoose – Do you plan on using sonic tubes for the piers? Mr. Kohn – Yes or just six by six four foot below grade. This is a common practice that is being done. This is the only municipality with this strict of a law.

Paula Kay – Can you bring in photos for the Board to look at? Mr. Kohn - Yes. Paula Kay – Will that help you Jay Mendels? Jay Mendels – Yes.

Chairman Richard McClernon – I feel that the wood piers will deteriorate over time.

Danielle Jose-Decker – If you don't get the variance, are you planning on repairing what is already there? Mr. Kohn – We will either challenge the local law or just renovate the existing buildings. Danielle Jose-Decker – Can you also bring in photos of what the renovations will look like? Mr. Kohn - Yes.

Chairman Richard McClernon – My thought is to deny the application and go through the process and have the Town remove it from the Zoning Code or go to the State and try and have it enacted.

Paula Kay – Can you also bring in cost differentials too? Mr. Kohn – I will try and get that for you too.

Chairman Richard McClernon – We have a 239 from the county and it was local determination.

#### PUBLIC COMMENT:

Judy Constable, Harris Road, Monticello – How many buildings would be going on the property or is it just renovations? Chairman Richard McClernon – They will be replacing around 36 bungalows that are already there. Judy Constable – If you pass this application will this affect future bungalows that will be built? Paula Kay – Zoning Board only rules on a specific application that is in front of them. This application is for this colony only.

#### PUBLIC COMMENT CLOSE:

A motion to leave the meeting open was made by Jay Mendels and seconded by Ryan Schock  
5 in favor; 0 opposed

**JOHN ZANELLA**

Applicant is requesting area variances from §250-16 of the Town of Thompson Zoning Code for the following purpose: An accessory structure without a main dwelling.

Property is located at Katrina Falls Road, Rock Hill, NY S/B/L: 63.-1-10.2 in the RR2 zone.  
John Zanella, owner

Satisfactory proof of mailing was provided to the Board.

Mr. Zanella – I have a little shed that is already on the property. Robert Hoose – Did you get a building permit? Mr. Zanella – No. Chairman Richard McClernon – How big is the shed. Mr. Zanella - 9 x 10. Jim Carnell – It's under the required size needing a building permit.

Paula Kay – You are here because you have an accessory structure without a main structure and that mean's you need a variance for the shed.

Mr. Zanella – I have papers showing that I own this property.

Chairman Richard McClernon – How far off the property line is the shed? Mr. Zanella – No more than 100 feet. Chairman Richard McClernon – How about the back side of the shed? Mr. Zanella – From the front to the street its far back, 300/400 feet from the back of the shed. Chairman Richard McClernon – The code goes by these measurements. How about from side to side? Mr. Zanella – I talked to my neighbor a week ago because I'm about 8 feet from his line into my property. His house is more like 100 feet. Chairman Richard McClernon – But how far from the property line? Town Law says you have to be more than 10 feet from the property line.

Paula Kay – Is there a camper or campers on the property? Mr. Zanella – Yes, only for the weekend.

Chairman Richard McClernon – That's illegal since there is no sewer or water on the property. Mr. Zanella – I don't have the sewer yet since there is no house. I do have a well but I don't use it because there is no electricity. You said I can't build a shed, but there is no brick or concrete. It's just made of wood. Paula Kay – Because there is no house you can't have an accessory structure with out the Boards approval. Mr. Zanella – This is my property so I can do what ever I want on my property. Here read these papers they say it's my property. I did have a trailer about 10 years ago but it's gone now.

Chairman Richard McClernon reads a letter from Joan Ottino who is a neighbor and is concerned about a septic system and if it will impact her property. Mr. Zanella – This letter is crazy, I use my neighbor's house when I have to use the bathroom.

Chairman Richard McClernon – What do you put in the shed? Mr. Zanella – Glass and mirrors.

Danielle Jose-Decker – If the Board is inclined to grant the variance would the application not be adequate because it doesn't address the side yard setback? Paula Kay – Yes, that is correct. Danielle Jose-Decker – Then the Board can't approve it right now anyway.



Paula Kay – You will need to get some kinds of sketch/survey showing where the shed is on the property. Especially with regards to the side lines. Mr. Zanella – How many feet do I need on the side? Paula Kay – Ten feet. Robert Hoose – The neighbor is concerned that the sewer will run in to their wells when you have lots of your friends over. Mr. Zanella – But I use my neighbor's house for that stuff.

Robert Hoose - You can move the shed if it's too close to the property line.

Paula Kay – If Mr. Zanella is not going to amend the application we have a concern about the side lot line. The Board can either grant or deny the application as it stands. If it's granted then he moves on and if it's denied then the Building Department will have to take further action.

Chairman Richard McClernon – Can you get us a survey map showing the location of the shed? Mr. Zanella – No, I did my own survey.

PUBLIC COMMENT:

Hector Rodriguez – I come up with Mr. Zanella from the city to camp. Is the issue with the shed on the property or the camper? We bring the camper to the property and then remove it when we go home. Paula Kay – When was the last time you used the camper on Mr. Zanella property? Mr. Rodriguez – Last year. Chairman Richard McClernon – What do you do with the waste when you're there? Mr. Rodriguez – We go to the neighbor's house or to the gas station.

Jim Carnell – Camping is not permitted on the property. Chairman Richard McClernon – Because there is no sewer or water. Mr. Rodriguez – In the future can we camp if we have sewer and water on the property? Paula Kay – Yes, if you get approval from the Town.

Mr. Zanella found the site survey from 1989. Paula Kay – Call John Galligan and ask him to update this map and show us where the shed is.

Mr. Zanella – No, I'll just take the shed down instead of coming back.

Chairman Richard McClernon – Are you with drawing the application for the shed? Paula Kay – Your going to take it down and remove it from the property? Mr. Zanella – Yes.

PUBLIC COMMENT CLOSE:

AREA VARIANCE CRITERIA:

(1) Whether benefit can be achieved by other means feasible to applicant; All voted Yes. Jay Mendels – He was here for an accessory structure. Chairman Richard McClernon – He will have to build a residence.

(2) Undesirable change in neighborhood character or to nearby properties; Jay Mendels – The neighbor feels it is. Chairman Richard McClernon – To me it wasn't noticeable from any of the other properties. Jay Mendels, Robert Hoose, Richard Benson and Ryan Schock all voted Yes. Chairman Richard McClernon voted No.

(3) Whether request is substantial; All voted Yes. Richard Benson – It's too close to the property line. Jay Mendels – It's not a substantial request. Chairman Richard McClernon – Well we don't know if it's substantial since we don't know how far away from the line it is.

(4) Whether request will have adverse physical or environmental effects; All voted No. Jay Mendels – As long as there is no sewer associated with it.

(5) Whether alleged difficulty is self-created; All voted Yes

A motion to deny this application was made by Ryan Schock and seconded by Robert Hoose  
5 in favor; 0 opposed

Chairman Richard McClernon – You will remove this shed? Mr. Zanella – Yes.

Chairman Richard McClernon – You will have until the first of the year to get the shed off the property. Mr. Zanella – I will move it to the center of the property if I can't move it off the lot. Paula Kay – No you cannot. You were just denied by the Board. You will have to come back with a new application and start all over again.

#### **MARK LOUNSBURY**

Applicant is requesting area variances from §250-8 and §250-16 of the Town of Thompson Zoning Code for the following purpose: 1) one side yard setback from required 20' to proposed 7.3' 2) one side yard setback from required 20' to proposed 15' 3) combined side yard setback from required 50' to proposed 22.3' 4) percentage of lot coverage from required 10% to proposed 19% 5) accessory structure side yard from required 10' to proposed 7.3' and 6) accessory structure rear yard from required 10' to proposed 8.4'

Property is located at 109 Middletown Point Road, Rock Hill, NY: S/B/L: 38.-5-5 in the RR1 zone.  
Greg Lounsbury

Satisfactory proof of mailing was provided to the Board.

Mr. Lounsbury – The accessory building is already there. I just want to build a shed roof off the back of the house and put in a utility room for the washer & dryer and move the water heater. Then put in a screened in deck. The roof will come off 12 feet and the deck is 8 feet more. Half of the deck is on the existing footprint.

Jay Mendels – You are increasing the lot coverage; do you know by how much? Chairman Richard McClernon - The screen in porch is going to be a setback of 2 feet from the existing building on the east side. Jay Mendels – We don't know what the current lot coverage is now and what it's going to be increased to? Jim Carnell – No, the increase is the 19%. Jay Mendels – But we don't know what it is currently? Jim Carnell – Correct. Jay Mendels – But it's supposed to be required at 10%, correct? Jim Carnell – I'd say it's around 17% now.

**PUBLIC COMMENT:**

David Kerber - What are you going to do with the existing septic. Mr. Lounsbury – There is an existing septic with a leach field there now. It's not going to be affected.

Mr. Kerber looks over the map with Mr. Lounsbury. Mr. Lounsbury show Mr. Kerber where the existing septic is.

PUBLIC COMMENT CLOSE:

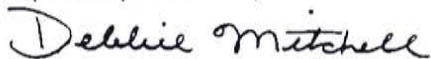
AREA VARIANCE CRITERIA:

- (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. Jay Mendels – It's based on what's already there.
- (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 the variances was made by Robert Hoose and seconded by Ryan Schock  
5 in favor; 0 opposed

A motion to close the meeting at 8:02 pm was made by Robert Hoose and seconded by Ryan Schock  
5 In favor; 0 opposed

Respectfully submitted,



Debbie Mitchell  
Secretary  
Town of Thompson Zoning Board of Appeals