

APPROVED

TOWN OF THOMPSON
ZONING BOARD OF APPEALS
Tuesday, November 13, 2018

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



Absent from the meeting is Richard Benson.

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

Chairman Richard McClernon appoints Danielle Jose-Decker to replace Richard Benson.

A motion to approve the October 9, 2018 minutes was made by Ryan Schock and seconded by Robert Hoose
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.

A motion to reopen the hearing was made by Jay Mendels and seconded by Ryan Schock
5 in favor; 0 opposed

Mr. Kohn – I was here last month and was asked to come back with more info on the elevation view and what the buildings are going to look like so, I have taken some pictures of other places and I have some renderings of what it will look like.

The first rendering is showing the building will be 3 to 4 feet above the grade and will have skirting around the boarder. The rendering is showing it a little higher than the elevation view. The board also asked for a quote comparing the cost of the piers and the full foundation. The two quotes are: \$ 5,000 for piers and \$ 22,000 for a full foundation on a Duplex building.

Danielle Jose-Decker – How many units are you doing? Mr. Kohn - There will be 19 structures. Danielle Jose-Decker – That would be a difference of \$17,000 times 19 structures.

Jay Mendels – Will they be concrete piers? Mr. Kohn - They are going to be Helical Piers most likely. Do you know what Helical Piers are? Jay Mendels – No. Mr. Kohn – They are steel beams and are driven into the ground with a machine. Paula Kay – Remember whatever they do the Building Department needs to approve them. Chairman Richard McClernon – How do you measure the depth on something that is driven into the ground? Jim Carnell - There is a built-in gage on them. Mr. Kohn - The engineer gives a report to the Building Department on how deep it is and the loading capacity.

Jay Mendels – How do you determine how high above the grade the building will be? Joel – There needs to be plenty of crawl space plus storage if needed.

Paula Kay – The Planning Board is very aggressive with having storage space. They don't want anything left outside specially in the winter. Jay Mendels – The idea is to use the crawl space for storage? Mr. Kohn – Maybe used for equipment, storage and ease of maintenance. Jay Mendels – Will this present any fire problems? Chairman Richard McClernon – Depends on what is stored there. Jim Carnell – There is a fire rating requirement for storage space. Danielle Jose-Decker – Will the elevation be the same for all units? Mr. Kohn – Yes.

Jay Mendels – Can the skirting be something other than lattice? Mr. Kohn - If you install it properly its ok to use. Ryan Schock – Lattice is Lattice, it allows items to sneak through and it looks temporary. Can we do something more solid? I know other jacked up structures have used T1-11 to make it look more like a continuation of the structure.

Robert Hoose – This is going to the Planning Board correct? Paula Kay – Yes. Jay Mendels – But the Planning Board doesn't determine what the materials will be. Jim Carnell – You can make a recommendation to the Planning Board.

Chairman Richard McClernon – In 25 years we will be back here with this issue again if we don't use something better than lattice. Mr. Kohn – I don't think it will be an issue to have a solid material used.

Chairman Richard McClernon - Will they be stick built or modular? Mr. Kohn - Most likely stick built.

Jay Mendels – If your going through all this construction to make them look like a home I feel that it should be on a foundation not on piers. Mr. Kohn - This is an existing colony and they are looking to repair and replace at a lower cost. Chairman Richard McClernon – I agree with Jay Mendels. Mr. Kohn - It will be way more valuable then it is now. What they are doing will be a big upgrade. No other municipality has these restrictions.

Jay Mendels – Is there composite materials that can be in contact with the ground instead of T1-11. Jim Carnell – Yes, they are lots of different types. There are one's that look like stone and are made of plastic or vinyl. You don't want anything organic.

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 Yes

(2) Undesirable change in neighborhood character or to nearby properties; All voted No

Jay Mendels -It's undesirable to what we want but it's an improvement over what is currently there.
Danielle Jose-Decker – I don't think it's Undesirable.

(3) Whether request is substantial; Danielle Jose-Decker – I think it is. 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 for negative declaration motion under SEQRA was made by Danielle Jose-Decker and seconded by Ryan Schock
5 in favor; 0 opposed

Jay Mendels- I don't want to see wood piers. Mr. Kohn - What is the difference? Jay Mendels – I don't think it would have the same longevity as the other two. Jim Carnell – They build them with wood all the time. Ryan Schock – As long as the Building Department approves the piers, I just want it to look like a foundation.

A motion for requested variance with a condition that composite skirting is approved by Building Department with a stone look or a durable solid material, was made by Danielle Jose-Decker and seconded by Robert Hoose
5 in favor; 0 opposed

Chairman Richard McClernon – The only reason I'm saying Yes, is because our town code has not been approved by the state as legal otherwise, I would have voted No.

MARK THOMAS

Applicant is requesting area variances from §250-7 of the Town of Thompson Zoning Code for the following purpose: 1) one side yard setback from required 20' to proposed 2'.

Property is located at 196 Winston Drive, Monticello, NY S/B/L: 47.-3-7.1 in the SR zone with central water and sewer.

Shawn Towt, AA Builders

Satisfactory proof of mailing was provided to the Board.

Mr. Towt – The house is very close to the property and they had gotten a variance in 2005 to extend the deck and now we are looking to get a variance to make the deck a little bite bigger which will bring it closer to the property line.

Chairman Richard McClernon – Why don't you put the hot tub out front instead of in the back? Mr. Towt – The are tree's, rocks and the property slopes down towards the lake, also the owners don't want to block the view of the lake. Chairman Richard McClernon shows Mr. Towt a picture he took of the property and where he thinks they can extend the deck. Mr. Towt – They didn't want to go towards the lake and block the lake view and the other area is all wooded. Chairman Richard McClernon – Except for the hot tub they will still have the same railing and view? Mr. Towt – The plan is to remove and replace the deck, and put in a wire railing so they can have a great lake view and then have the tub in the back corner.

Jay Mendels – Where are the stairs? Mr. Towt show the Board where the stair are on the site map. Mr. Towt – The deck just needs to be extended out six feet. This will be a all cedar deck as well. Danielle Jose-Decker – This area on the map is all wooded? Mr. Towt – Yes, the only thing you can see is the lake and all the downed trees from the summer storm. The road ends right at their property as well.

Jay Mendels – When did they take ownership of the property? Mr. Towt – Around 2013.

Jay Mendels – The variance was granted before that with the prior owners. It's so far out of compliance that your encroaching on the neighbor, correct? Mr. Towt – The house is not but the over hang is. Jay Mendels – That is not the fault of the current owner. But because we had granted variance for those other things, I don't feel obligated to grant a variance to continue to keep things out of compliance. Chairman Richard McClernon – That is why I said they could go off the front, then they would not need a variance.

Jim Carnell – Does the survey show the septic? I believe the sewer is on the front side and that is why they did the variance in 2007 with the deck.

Ryan Schock – I agree with Jay Mendels we don't want to keep approving the encroaching onto the other property. Paula Kay – You can't approve an encroachment you can approve a setback. Those encroachments are there.

Chairman Richard McClernon – I would like to see the hot tub on the back so they won't need a variance.

Ryan Schock – The hot tub will be lower than the deck? Mr. Towt – No, the hot tub will be on top of the deck and it will end up being 15 feet high off the ground if we put it towards the lake. Chairman Richard McClernon – When I was down taking pictures the owner said he just doesn't want people seeing them going in and out of the hot tub.

Jay Mendels – I think there are other options so we don't have to keep giving you variances. Mr. Towt – I didn't think this would have been a big issue since it's on the back side. If we went towards the lake then it will change the look of the house.

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 Yes
- (2) Undesirable change in neighborhood character or to nearby properties; All voted No
- (3) Whether request is substantial; All voted Yes. Chairman Richard McClernon – Its going from 20 feet to 2 feet.
- (4) Whether request will have adverse physical or environmental effects; All voted No
- (5) Whether alleged difficulty is self-created; All voted Yes

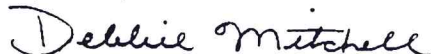
Paula Kay – Before the vote do you want the Board to vote on this after hearing all of their opinions?
Mr. Towt – If they vote No then I will have to re-apply and come back? If I go out the front then I won't need a variance? Jim Carnell – I don't think so. Mr. Towt – Lets go on with the vote. Jay Mendels – You can still talk to the applicant and maybe choose other options.

A motion to approve the requested variance was made by Danielle Jose-Decker No seconded.

A motion to disapprove the variance was made by Jay Mendels and seconded by Ryan Schock
4 in favor; 1 opposed (Danielle Jose-Decker)

A motion to close the meeting at 7:46 pm was made by Robert Hoose and seconded by Chairman
Richard McClernon
5 In favor; 0 opposed

Respectfully submitted,



Debbie Mitchell
Secretary
Town of Thompson Zoning Board of Appeals