

APPROVED

TOWN OF THOMPSON
ZONING BOARD OF APPEALS
Tuesday, September 8, 2020

IN ATTENDANCE: Chairman Richard McClernon
Robert Hoose
Barbara Strong
Paula Elaine Kay, Attorney
James Carnell, Director of Building/Planning/Zoning
Debbie Mitchell, Secretary
Trev Miller, Alternate
Sean Walker, Alternate

Richard Benson and Jay Mendels are absent

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

Chairman Richard McClernon appointed Trev Miller and Sean Walker as voting members

A motion to approve the August 11, 2020 minutes was made by Robert Hoose and seconded by Barbara Strong
5 in favor, 0 opposed

Chairman Richard McClernon – We will take the meeting out of order, waiting on Mr. Smith for the Do-Over Real Estate Property

Applicant: GLENN JACOBSEN

Applicant is requesting an Area Variance from §250-9 of the Town of Thompson Zoning Code for the following purpose: (1) Garage Setbacks to property line from required 25' to proposed 14.5' (2) Percentage of lot coverage from required 10% to proposed 16%.

Property is located at 316 South Shore Drive, Rock Hill, NY S/B/L: 66.-31-7 in the RR2 zone.
Glenn Jacobsen, Applicant

A Satisfactory proof of mailing was provided to the Board.

Mr. Jacobsen – We have owned the house for over 30 year and I always wanted a double garage. It's a non-conforming lot because of the shape of it. We have a single garage now and want to put in a double garage. The existing garage is 16.1' from property line. This new garage will be 14.5' from the property line. The garage door is oriented toward the right of the plan and that's the only way we can do it because of the steep slope. There is an existing stone wall that need to be relocated. The current garage will be a demolition; we can't build onto the existing garage. Currently the garage is 14' X 24' and it will become a 24' X 24'. There will be a 16-foot door. Paula Kay – Have you been to the Homeowners Association? Mr. Jacobsen – I submitted it to them over a month ago and I'm waiting to hear back from them. I don't see any issue since there are lots of garage in the Wolf Lake community. Chairman Richard McClernon – Usually they put there approval first and then we try to follow along with

there suggestion. We don't have to but we normally do. Mr. Jacobsen – Will you give approval only based on their approval? Chairman Richard McClernon – We can pass contingent on Wolf Lake's approval. And if they pass then you will just have to bring in the letter to Heather. Mr. Jacobson – We plan on using the house more in the winter then we have over the years.

Mr. Jacobson shows the board pictures of the existing garage.

Mr. Jacobson – I talked to my neighbor and he said it was ok with him. Paula Kay – We can't really take your word about the neighbor. We take written comments or any oral comments when the Board opens it up.

Chairman Richard McClernon – Are you going to use the same side for the entrance to the garage? Mr. Jacobson – Yes.

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. Robert Hoose - Not for Wolf Lake.
- (4) Whether request will have adverse physical or environmental effects; All voted No.
- (5) Whether alleged difficulty is self-created; All voted Yes

Chairman Richard McClernon – If Wolf Lake approves, we are all good to go. If they do not approve it then you will have to come back next month for us to make a final determination.

Paula Kay – You can vote on it tonight. Mr. Jacobson – Thank you, I understand.

A motion to approve the variances contingent on the letter from Wolf Lake is ok with this applicant was made by Robert Hoose and seconded by Barbara Strong
5 in favor; 0 opposed

Applicant: PAUL ORSINI

Applicant is requesting an Area Variance from §250.7 of the Town of Thompson Zoning Code for the following purpose: Rear yard setback from required 50' to proposed 5'

Property is located at 408 Dingle Daisy Rd, Monticello, NY S/B/L :56.-1-41 in the SR Zone.
Paul Orsini, applicant

A Satisfactory proof of mailing was provided to the Board.

Mr. Orsini – I made the mistake thinking that I was grandfather in, so I build a new deck last year. The original deck was 15' X 10' wide and it went out about 10 to 12 feet. I built a deck that's 20' wide and it goes out 15 feet. I filled out a permit and it was declined because of the setback. Without the deck the back of the house is about 20' from the setback due to the fact that the house was built in 1935, way before the laws came into effect.

PUBLIC COMMENT:

Robert & Victoria Clark submitted a letter and Chairman Richard McClernon read it. They said they had no issue with the deck.

PUBLIC COMMENT CLOSE:

AREA VARIANCE CRITERIA:

- (1) Whether benefit can be achieved by other means feasible to applicant; All voted No, Chairman Richard McClernon - Because the house was only 20 feet no matter what he does he needs a variance.
- (2) Undesirable change in neighborhood character or to nearby properties; All voted No
- (3) Whether request is substantial; Robert Hoose, Barbara Strong, Sean Walker, Trev Miller Voted No. Chairman Richard McClernon – Based on the size of the property and where the house is, I would take that under consideration and vote 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 to approve the application was made by Barbara Strong and seconded by Robert Hoose
5 in favor; 0 opposed

Applicant: NORMAN DORF

Applicant is requesting an Area Variance from §250-8 and §250-21B(4) of the Town of Thompson Zoning Code for the following purpose (1) Percentage of lot coverage from required 10% to proposed 15.6% (2) Increasing a non-conforming (3) Rear yard setback from required 50' to proposed 41.5' (4) Front yard setback from required 50' to proposed 30.2' (5) Minimum side yard setback from required 20' to proposed 8' (existing)

Property is located at 14 Racine Court, Monticello, NY S/B/L: 8.-A-1-10 in the RR1 Zone.
Laurie Dorf, applicant

A Satisfactory proof of mailing was provided to the Board.

Ms. Dorf - I don't currently have a deck. All of the homes have decks and I would like to build one so I can enjoy it with my family. Chairman Richard McClernon – It's going in the back by the enclosed porch?
Ms. Dorf – Correct, adjacent to the enclosed room. Paula Kay – There is an approval from the Board of Directors of Harris Woods.

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 application was made by Robert Hoose and seconded by Sean Walker
5 in favor; 0 opposed

Applicant: JOSEPH MALAMUD

Applicant is requesting an Area Variance from §250-7 of the Town of Thompson Zoning Code for the following purpose: (1) Front yard setback from required 40' to proposed 33.8'

Property is located at 10 Old Congress Rd, Monticello, NY S/B/L: 41.-B-1-112 in the SR with W/S Zone.
Joel Kohn

A Satisfactory proof of mailing was provided to the Board.

Mr. Kohn shows the board the site plan. Mr. Malamud wants to have an enclosed porch in the front.
Chairman Richard McClernon – Will he remove the porch that is there now? Mr. Malamud – No I'm going to enclose it. Chairman Richard McClernon – The deck will be 13' x 37'? Mr. Kohn – Correct, just the right corner is what is out of the required setback.

Jim Carnell – Your services are from central water and sewer but it also has Town Water from Sackett Lake? Mr. Kohn - Correct.

PUBLIC COMMENT:

No Public Comments

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 applicant was made by Sean Walker and seconded by Robert Hoose
5 in favor; 0 opposed

A motion to take Do -Over Real Estate Property out of order was made by Robert Hoose and seconded
by Sean Walker
5 in favor; 0 opposed

APPLICANT DO-OVER REAL ESTATE PROPERTY

Applicant is requesting an Area Variance from §250-21C(4) of the Town of Thompson Zoning Code for the following purpose: (1) Nonconforming lots of record lot #1 from required 40,000 square feet to proposed 31,580 square feet and (2) Nonconforming lots of record lot #2 from required 40,000 square feet to proposed 31,580 square feet.

Property is located at 221 Starlight Road, Monticello, NY S/B/L: 57.-2-3 in the RR2 zone
Glenn Smith, engineer
Jacquie Leventoff

Mr. Smith - There are two lots on Swinging Bridge that are roughly $\frac{3}{4}$ of an acer each and Ms. Leventoff wants to do a lot line change. Right now, they are long and narrow and she want to put the new lot line in the middle so that one lot will be on Starlight Rd and the other on Starlight Lane and then put houses on both. We just need a variance so that we can go to the Planning Board. Then Ms. Leventoff will be back for other variances in the future. Ms. Leventoff – We are waiting for an updated survey map.

PUBLIC COMMENT:

Deborah & Guy Rubel – Paula Kay reads a letter submitted by the Rubels.

Mr. Smith - There are going to be two new septic systems one for each house. And they have to be approved by the DEC and follow the Town and State requirements too. Nothing existing will be used. Chairman Richard McClernon – How much land do you think will be cleared? Mr. Smith - There will be some trees on both, there might be about ½ acres of land combined for removal of the trees. Chairman Richard McClernon - But it leaves to the neighbors complain about water running off the side of the hill. Mr. Smith - Any trees removed will be replaced with vegetation. We will check the drainage. Chairman Richard McClernon – Will they have to dig up Starlight Road? Mr. Smith - No there is a pipe there now. Mr. Smith - I'll respond to the comment in the letter.

Jim Carnell – Because the preexisting is non-conforming and they are creating two new lots by, which may retain the same tax parcels. But that will be up to Property Department. However, they are creating two new lots by creating a lot line change. So currently there are two lots and they will be creating two lots. But the new lot's, the Planning Board has deferred them to this board because the lots are non-conforming in size. You do have to take action in order for the Planning Board to move forward and them approving the lot line change. Chairman Richard McClernon – There is no town law for something like this. Jim Carnell - You are voting on creating or approving non-conforming lots. Paula Kay – This is really up for interpretation.

Ms. Leventoff – We have a survey showing the size of lots being created. Paula Kay – The sizes from last month will remain the same? Mr. Smith – Yes, one of the lots is 0.7 acres and the other is 0.75 acres giving a total of 1.45 acres. With the lot line change the two lots will remain the same size.

Chairman Richard McClernon – I don't like creating non-conforming lots but they are already non-conforming.

PUBLIC COMMENT CLOSE:

AREA VARIANCE CRITERIA:

(1) Whether benefit can be achieved by other means feasible to applicant; Robert Hoose, Barbara Strong, Trev Miller and Sean Walker all voted No. Chairman Richard McClernon Votes yes. They could have left them as is.

(2) Undesirable change in neighborhood character or to nearby properties; All voted No. Trev Miller – I think it's making it better.

(3) Whether request is substantial; Chairman Richard McClernon – Yes, creating 2 non-conforming lots. Barbara Strong – No, they were already non-Conforming. Trev Miller, Sean Walker and Robert Hoose 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 variance was made by Barbara Strong and seconded by Robert Hoose

4 in favor; 1 opposed Chairman Richard McClernon

Applicant: SUNSHINE ESTATES, INC

Applicant is requesting an Area Variance from §250-8 of the Town of Thompson Zoning Code for the following purpose: Percentage of lot coverage from required 10% to proposed 11.58%

Property is located at 221 Ranch Road, Monticello, NY S/B/L: 16.-1-14.1 in the RR1 Zone.

Joel Kohn

Abraham Rosenberg

A Satisfactory proof of mailing was provided to the Board.

Mr. Kohn - Units 9, 10 & 11 are proposed units. They are here for the lot coverage; it is 10% and they are going to be 11.58%. They will be 25 feet apart and this is allowed in the zoning. Right now, they are not 25' apart but will be after the reconstruction. Chairman Richard McClernon – How far is units 12, 13 & 14? Mr. Kohn - 27 feet. These units will be demolished and replaced with no additions.

PUBLIC COMMENT:

No Public Comment

PUBLIC COMMENT CLOSE:

A motion for negative declaration motion under SEQRA was made by Robert Hoose and seconded by Barbara Strong

5 in favor; 0 opposed

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. Barbara Strong – Should be nicer.

(3) Whether request is substantial; Robert Hoose, Barbara Strong, Trev Miller and Sean Walker all voted No. Chairman Richard McClernon voted Yes because it is increasing the lot coverage.

(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 application was made by Trev Miller and seconded by Barbara Strong

5 in favor; 0 opposed

Applicant: SOLOMON SILBERMAN

Applicant is requesting an Area Variance from §250-34D(6) of the Town of Thompson Zoning Code for the following purpose: Bungalow separation from required 25' to proposed 22.7'.

Property is located at 236 Cold Spring Rd, Monticello, NY S/B/L: 29.-1-27 in the RR1 zone
Allen Fishman, representing applicant

A Satisfactory proof of mailing was provided to the Board.

Mr. Fishman – Mr. Silverman owns a unit and this spring he built a small addition to his existing porch and he was told that if it's small he didn't need a permit. The closes point between buildings is 27.7' and 22.8', that is from the railing to the adjoin unit. I am working with the applicant since the roof design was not done correctly. Paula Kay – There is roof? It's described as an open porch. Mr. Fishman – It's an open porch with a roof and railing no enclosure. Paula Kay – In order for the applicant to get the building permit he would needs to pay a permit fee and a building without a permit fee.

Chairman Richard McClernon – On the drawing it say's number 8 but the actual building say's 7 which is he in? Mr. Fishman – He is in the darker unit and the site plan say's it's unit 8. His unit is a duplex. The front existing cover porch is split and he wanted something bigger.

Trev Miller – What has to be re-built? Mr. Fishman – The roof was wrong and they just need to re-due it.

PUBLIC COMMENT:

Clarence Rundle submitted a letter. Paula Kay reads the letter.

A motion for negative declaration motion under SEQRA was made by Robert Hoose and seconded by Barbara Strong
5 in favor; 0 opposed

PUBLIC COMMENT CLOSE:

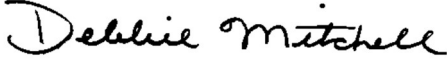
AREA VARIANCE CRITERIA:

- (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. Chairman Richard McClernon – Will make the building look better.
- (3) Whether request is substantial; All voted No
- (4) Whether request will have adverse physical or environmental effects; All voted No Chairman Richard McClernon – They are not here in the winter
- (5) Whether alleged difficulty is self-created; All voted Yes

A motion to approve the application was made by Robert Hoose and seconded by Sean Walker
5 in favor; 0 opposed

A motion to close the meeting at 8:04 pm was made by Robert Hoose and seconded by Barbara Strong
5 In favor; 0 opposed

Respectfully submitted,

A handwritten signature in black ink that reads "Debbie Mitchell". The signature is written in a cursive style with a large initial "D".

Debbie Mitchell
Secretary
Town of Thompson Zoning Board of Appeals