

APPROVED

TOWN OF THOMPSON
ZONING BOARD OF APPEALS
December 12, 2023

IN ATTENDANCE: Jay Mendels, Acting Chairman Paula Kay, Attorney
Sean Walker Laura Eppers, Secretary
Darren Miller, Alternate
Cindy Ruff, Alternate
James Carnell, Building, Planning, & Zoning

Jay Mendels called the meeting to order at 7:00 p.m. with the Pledge to the Flag.

A motion to approve the October 10, 2023 minutes was made by Darren Miller and second by Cindy Ruff.

All in favor, 0 opposed.

A motion to approve the November 14, 2023 minutes was made by Cindy Ruff and second by Sean Walker.

All in favor, 0 opposed.

The Jay Mendels appointed Cindy Ruff and Darren Miller as voting members for this meeting.

APPLICANT: LOUIS BURKO

547 Sackett Lake Road
Monticello, NY
S/B/L: 46.-4-12

This application was held open from last month's meeting.

Applicant was unable to join tonight's meeting and the Board agreed to leave this application open for one more month.

There was no public in attendance for either meeting, so the Board agreed to close the public portion of the meeting.

A motion to close the public hearing was made by Sean Walker and second by Cindy Ruff.

All in favor, 0 opposed.

A motion to leave this application open for another month, until the January 9, 2024 meeting, was made by Cindy Ruff and second by Sean Walker.

All in favor, 0 opposed.

APPLICANT: HECTOR FERNANDEZ

1 Laura Lane
Kiamesha Lake, NY
S/B/L: 9.B-1-4

Applicant is requesting an Area Variance from §250-7, 21B(4) & 21C(1) of the Town of Thompson Zoning Code for (1) Rear yard setback with W/S from required 40' to proposed 9.4' (2) Percent of lot coverage with W/S from required 20% to proposed 38.5% (3) One side yard setback with W/S from required 15' to proposed 12.47' (4) One side yard setback with W/S from required 15' to proposed 0' (5) Combined side yard setback with W/S from required 40' to 12.47' (6) Increasing a non-conforming – which is not permitted. Property is located at 1 Laura Lane, Kiamesha Lake, NY. S/B/L: 9.B-1-4. In the Zone: SR with central W/S

Acting Chairman read legal notice aloud.

Proof of mailings were received.

Hector Fernandez – I am here tonight because I am making an extension on my back porch. Jay Mendels – An extension to an already existing back porch? Hector Fernandez – Yes. Jay Mendels – Is it a porch or an open deck? Hector Fernandez – An open deck and we were looking to go out another 8 feet, so it will be 8'x11'. Jay Mendels – 11 feet is the existing width and you are looking to go to 8 feet, making it a total of 8'x11'? Hector Fernandez – Yes, and it will go to the end of the other house. Jay Mendels – So, it will not go past the back of the adjoining house? Hector Fernandez – That's correct and I moved the stairs to the side of the deck so that they won't extend past the neighboring house either. Jay Mendels – How far is the porch off the ground? Hector Fernandez – It ranges from like 3 to 5 feet. Jay Mendels – Does the property slop down in the back? Jim Carnell – I think it is pretty level there, but these are split level houses, so the deck is coming off of the main level. The ground level is usually a couple of basement windows for the bedrooms down stairs, so the main level, with the kitchen and living room, is off the ground a way. Hector Fernandez – That is correct. Jay Mendels – Understood. Jay Mendels – Will you be rebuilding the whole deck or just adding on to it? Hector Fernandez – Just adding the new materials on. Jay Mendels – But it will look like all one deck when it is done? Hector Fernandez – Yes, that's the idea.

Jay Mendels – I think the realization we came to in the work session was that the house built there in Patio Homes are pre-existing and there is no way of conforming to our required zoning code. These houses were built as attached houses and therefore have zero lot lines on one or more sides and the lots are long and narrow. Paula Kay – And for the record, we have received HOA approval for this project.

No further questions or comments from the Board.

The meeting was opened to the public.

Kara Huberman, residing at 15 Laura Lane and member of HOA – Advised that she is an HOA board member and just wanted to confirm that they are in approval of the applicants request.

No further questions or comment from the public.

A motion to close the public hearing was made by Darren Miller and second by Sean Walker.
All in favor, 0 opposed.

(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 all requested variances was made by Sean Walker and second by Cindy Ruff.
All in favor, 0 opposed.

APPLICANT: LAIVI FREUNDLICH

57 Lake Shore Drive West
Rock Hill, NY
S/B/L: 52.K-3-19

Applicant is requesting an Area Variance from §250-7 of the Town of Thompson Zoning Code for (1) Pool separation from the property line from required 25' to proposed 17' (2) One side yard setback from required 15' to proposed 11'. Property is located at 57 Lake Shore Drive West, Rock Hill, NY. S/B/L: 52.K-3-19. In the Zone: SR with W/S

Acting Chairman read legal notice aloud.

Proof of mailings were received.

No HOA approval yet. However, Michael Hoyt from EGPO sent an email stating their HOA Board does not meet again until December 17, 2023, but does not see why there would be a problem getting their approval.

Laivi Freundlich – I have a son who has a genetic condition that causes his joints to be contracted. The older a person with this condition gets, the worse it gets, and the doctors recommend swimming to help. The HOA does have a pool, but we would never be able to get him to use that because of his appearance. I want to build him this pool so that he can go swimming in private, where he would be more comfortable. On the right side of the property is all lovely, big spruce trees and brush and we do not want to take that greenery down and damage the façade of the community. That is why we wanted to put the pool where it is currently being proposed. This way it will be behind the house and we will not have to remove any trees, but it will require a variance.

Jay Mendels – Would you be clearing out any trees to allow for more sun? Laivi Freundlich – No, not a single tree. It is already cleared land so we would not have to remove anything, not even a bush.

Jay Mendels – Is there a certain reason why the pool is this size? Laivi Freundlich - My wife also has this condition, just not as bad, so she would use the pool as well and in order for them to be able to do any form of normal exercise, such as a lap, a small pool would not work. Ideally, we would like something bigger, but we want to keep the community nice and for aesthetic purposes and to have the least impact as possible, we went for this size. Jay Mendels – I noticed on your application where it asks you to describe the character of the neighborhood you wrote “It’s amazing”, so I believe what you are proposing is truly the best you can do and still meet your needs. It also looks like with a pool of this size, no matter where you put it you would still have to ask for a variance.

Cindy Ruff – Will there be a deck around the pool? Laivi Freundlich – Yes, a 5-foot deck on the two sides and then 10 or 11 feet in the back. Jay Mendels – They also show deck and its measurements on the plan. Cindy Ruff, Okay and will it be fenced? Or the yard? Laivi Freundlich – Yes. There will be a fence around the pool. Jim Carnell – That is something the building code requires and would be part of the permitting process. Cindy Ruff – Okay.

Jay Mendels – Would it be a possibility to turn the pool the other way? Laivi Freundlich – There are two trees on the back side of the property that would have to be taken down to turn it.

Jay Mendels – Since the pool is technically on Treasure Lake Road, wouldn’t that be considered the front yard? Jim Carnell – This is not an accessory structure, so that would not apply to this.

Jay Mendels – Something we discussed in our work session was that your HOA has not voted on this yet and I think the next time they meet is on the 17th. Paula Kay – That is correct. Laivi Freundlich – I met with Michael Hoyt who is the manager and is also on the HOA board and he said that he does not see why it would be a problem. Jay Mendels – The issue is he cannot speak on behave of the board and we weigh their decision heavily. Laivi Freundlich – He also mentioned that because they don’t meet until after this Board meets, this Board may be able to grant my requests contingent on their approval and we would be fine with that. Paula Kay – When were you planning to install this, as we are already in December? Laivi Freundlich – I have meet with the engineers and the company who will be installing the pool and they said we can do it as soon as the ground allows for it. Jay Mendels – If we grant approvals tonight, how much time would he have to get this started? Paula Kay – He has six months and if he cannot start by then, he can request a six-month extension from the building department. It is unlikely that construction won’t start until spring, so the Board has a little leigh way and time to hear back from the HOA. We also received an email from Michael Hoyt explaining the situation with the HOA meeting.

Jay Mendels read the below email aloud for everyone:

https://drive.google.com/open?id=1USRVhfbHsQBjWyKb9I6_xwJFOcu2Olq7&usp=drive_fs

No further questions or comments from the Board.

The meeting was opened to the public.

No public in attendance for this application.

A motion to close the public hearing was made by Cindy Ruff and second by Sean Walker.
All in favor, 0 opposed.

- (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; 2 voted yes (Darren Miller & Jay Mendels) & 2 voted no (Sean Walker & Cindy Ruff)
- (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 requested variances, subject to receiving the HOA approval, was made by Sean Walker and second by Darren Miller.
All in favor, 0 opposed.

APPLICANT: CHRISTOPHER PELOSO

5 Friedman Road
Harris, NY
S/B/L: 4.-1-94.1

Applicant is requesting an Area Variance from §250-16B of the Town of Thompson Zoning Code for (1) Accessory building closer to the road than the main building – which is not permitted. Property is located at 5 Friedman Road, Harris, NY. S/B/L: 4.-1-94.1. In the Zone: RR-1

Acting Chairman read legal notice aloud.

Proof of mailings were received.

Christopher Peloso – I am here tonight because I am looking to add a large shed to my property for some additional garage space. The location we chose is the only spot on the property that is easily feasible. Also, there are a lot of 50+ foot trees everywhere and the rest of the property isn't very level, but the spot we chose is pretty level and clear. There is an existing shed that this shed will go next to and both sheds are within the fence.

Jay Mendels – Is this a garage or a shed? Christopher Peloso – It could go either way. It is a steal structure that is currently at my parent's house and they are moving so they are looking to get rid of it and we can use it. Plus, it also matches our house. Jay Mendels – Color wise? Christopher Peloso – Yes. Darren Miller – Do you happen to have a picture of it? Christopher Peloso – I don't think so, but I can get you one. The shed is only 5 years old and it is a steal shed. Darren Miller – With the corrugating siding? Christopher Peloso – Yes, with brown siding and a brown roof.

Jay Mendels – Did you clear a space for this shed or was it already cleared? Christopher Peloso – It was already cleared.

Jay Mendels – The fence and side of the property you were referring to is the side that runs along Goldfarb Road, right? Christopher Peloso – Yes. Jay Mendels – And I think we determined that is a dead-end street. Christopher Peloso – Yes. Jay Mendels - Is it also clear space between the proposed shed and the existing fence? Christopher Peloso – Yes, but there are trees and a dirt ledge between the fence and the road. Jay Mendels – Is the fence chain link? Christopher Peloso – Yes, but there are vines all along it that sort of work as slats. Jay Mendels – Okay, so it sounds like there is a pretty good buffer there.

Paula Kay – There is a lot behind yours, is that yours as well? Christopher Peloso – No. Originally the two lots were only one and the people we bought this lot from subdivide the lot, sold this lot to us, and plan to build a house for themselves on the other one.

Jay Mendels - Do you have any plans on removing the existing shed? Christopher Peloso – No, we would be adding this shed in addition to the existing shed.

Sean Walker – It appears there is another existing shed on a different part of the property, will this be the third shed? Christopher Peloso – Yes.

Jay Mendels – There are a few things missing from the sketch that was provided. I'm wondering what the setback is from the house? How much closer will this shed be to the road than the house?

Christopher Peloso – I believe the existing shed is inline with the house, so just outside of that. Jay

Mendels – And the shed is a 12-foot shed? Christopher Peloso – Yes. Jay Mendels – And will the two sheds abut up against each other? Christopher Peloso – No, I think there is a 2-to-3-foot walkway between them. Jay Mendels – Okay so from the estimates provided it looks like the house is about 36 feet from Goldfarb Road and this looks like it will come out about half way in between that.

No further questions or comments from the Board.

The meeting was opened to the public, but there was no public in attendance for this application.

A motion to close the public hearing was made by Cindy Ruff and second by Sean Walker.

All in favor, 0 opposed.

(1) Whether benefit can be achieved by other means feasible to applicant; 3 voted no & 1 voted yes (Jay Mendels)

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

(3) Whether request is substantial; 2 voted yes (Cindy Ruff & Jay Mendels) & 2 voted no (Darren Miller & Sean Walker)

(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 Cindy Ruff and second by Sean Walker.

All in favor, 0 opposed.

APPLICANT: LISA COHEN

9 Sutton Road

Rock Hill, NY
S/B/L: 52.P-2-4

Cathyann Wishinski, project representative and general contractor

Applicant is requesting an Area Variance from §250-7 & 21C(1) of the Town of Thompson Zoning Code for (1) Rear yard setback with W/S and reduction from required 30' to proposed 24.9' (2) Accessory building setback from required 10' to proposed 3'. Property is located at 9 Sutton Road, Rock Hill, NY. S/B/L: 52.P-2-4. In the Zone: SR with W/S

Acting Chairman read legal notice aloud.

Proof of mailings were received.

HOA approval was received.

Cathyann Wishinski – The applicant currently has a 4'x14' deck and would like to expand it to a 16'x30'. If you take a look at the sketch provided, you will see that only a small corner of the proposed portion will be in the setback. As far as the shed goes, there is actually a C of O (Certificate of Occupancy) for it and I wasn't aware until today that it also needed a variance. I did speak to the building department today and they advised that it was just something that needed to be cleaned up for the record and the C of O was actually issued the day after the survey we have submitted was completed, so that shows the shed was located here when the C of O was issued.

Jay Mendels – When did Mrs. Cohen purchase the house? Cathyann Wishinski – I believe November of 2022 and when the title search was done the shed did come up, but it had a C of O so she was unaware of any issues with the shed. I guess she just needs to deal with that tonight to get property all cleaned up.

Jay Mendels – How did the shed get a C of O if it was not in compliance and required a variance? Paula Kay – It is actually not of C or O, but a C of C (Certificate of Compliance), just to clarify for the record and I think it was an oversight, so the building department had asked it also be added to as a request to get it cleared up.

Jay Mendels – Okay and it is not being replaced, right? Cathyann Wishinski – No. the shed will remain as it is. The only change will be the deck. Jay Mendels – Is the picture you provided of the shed in question? Cathyann Wishinski – Yes. Jay Mendels – Okay and it appears to be surrounded by trees? Cathyann Wishinski – Yes. The whole back yard is heavily wooded and very private.

Jay Mendels – Is there a house on the other side of the shed or near to it? Cathyann Wishinski – No, the neighboring house on that side of the property is located over here. The driveway kind of goes along that property line but the house is further over here. Jay Mendels – In the work session we looked it up and I believe we noticed the neighbors have a shed on their property that is almost back-to-back with this shed. Cathyann Wishinski – That I don't know, but the extension we are proposing for the deck will not cause anything to be closer to either neighbor than what is already existing.

Jay Mendels – Because it will not extend out past the footprint of the house? Cathyann Wishinski – Right.

No further questions or comments from the Board.

The meeting was opened to the public.

Regina Madigan, owns a vacant lot on Kendal Road (that is not one of the neighboring properties) – She just wanted to know what was going on as she received the legal notice. Jim Carnell explained that even though her property does not directly touch the applicant's property, she was notified because her

property was in the 300-foot radius and by law needed to be noticed. He also explained that the application and corresponding documents explaining and demonstrating what is being proposed could be found on the Town's website or simply by clicking the hyper link on the agenda for this project. She said she now understands why she received the legal notice and what is being proposed and stated that she does not have any issues with it.

Paul Sforza, owns a vacant lot on Douglas Street (that is not one of the neighboring properties) – Said he was kind of in the same boat as Mrs. Madigan as he had also received a legal notice for the first time and didn't completely understand. He just wanted to join the meeting to make sure that what was being proposed would not have any adverse effect on his property, which it didn't sound like after listening to the Boards discussion. He has no issues with the deck or the shed, as he didn't even know it was there.

No further public comment.

A motion to close the public hearing was made by Cindy Ruff and second by Darren Miller.
All in favor, 0 opposed.

(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 all requested variances was made by Cindy Ruff and second by Sean Walker.
All in favor, 0 opposed.

Jim Carnell reminded the Board one last time that completion of the sexual harassment training must be submitted to Karen Shafer by the end of the year for anyone that has not already done so.

A motion to close the meeting was made by Darren Miller and second by Cindy Ruff.
All in favor, 0 opposed.

Respectfully submitted,

Laura Eppers
Secretary
Town of Thompson Zoning Board of Appeals