

TOWN OF THOMPSON
ZONING BOARD OF APPEALS
January 9, 2023

IN ATTENDANCE: Richard McClernon, Chairman Darren Miller, Alternate
Cindy Ruff Laura Eppers, Secretary
Jay Mendels Paula Kay, Consulting attorney
Jim Carrell, Building Planning, Zoning

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

A motion to hold the December 12, 2023 over until the next meeting, February 13, 2024 meeting was made by Jay Mendels and second by Cindy Ruff.
All in favor, 0 opposed.

Jim Carrell advised the Board that the Town Board voted in favor of Cindy Ruff becoming a voting Zoning Board member as well as another year for Darren Miller as an Alternative voting member at the January 2, 2024 meeting.

Chairman McClernon appointed Darren Miller as a voting member for tonight's meeting.

APPLICANT: LOUIS BURKO

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

Applicant withdrew their application prior to the meeting.

APPLICANT: DENISE CLEMENT

16 Wild Turnpike
Rock Hill, NY
S/B/L: 33.-1-29.6
Jacob Zocco, Project representative

Applicant is requesting an Area Variance from §250-9 of the Town of Thompson Zoning Code for (1) Building height from required 30' to proposed 33'4". Property is located at 16 Wild Turnpike, Rock Hill, NY. S/B/L: 33.-1-29.6. In the Zone: RR-2

Chairman McClernon read legal notice aloud.

Proof of mailings were received.

Jacob Zocco – This is just a single-family house, but the way the architect designed it, to achieve the look the owners wanted, it ended up being over 30’ high. The architect was not aware that the house exceeded the height requirement and it wasn’t until the plans were submitted to the Building Department that we found out. There is a walk out basement to one side of the house, which contributes to the additional height, but the majority of the house had a lower pitched roof and it is all trusses anyway, so no one would be going on the roof.

Jim Carnell – I believe with this, they didn’t have the full elevations, but when they actually got on the site and started, they ran into this issue. Jacob Zocco – Right, there were preliminary plans submitted first, so that we can get in line and get this started. Jim Carnell – And then when the full plans came in, the height became an issue. Again, it’s not the whole house. Jacob Zocco – Right, just the lofted area of the house. It is just a peak that gives the house some character.

Jay Mendels – The site plan shows 39’, not 33’. Jacob Zocco – That was my mistake because that is the actual height, not the average, which is how it gets calculated. Jay Mendels – So, you are definitely not asking for 39’? Jacob Zocco – No, only the 33’. Jay Mendels – Okay. Well, it would seem that taller houses are all the rage because we have had a number of houses come before us asking for a height variance. Jacob Zocco – The building department did mention that, but this was not intentional. The architect thought the maximum height requirement was 35’. Jay Mendels – Okay so you thought you were under and ended up being over. Jacob Zocco – Yes.

No further questions or comments from the Board.

The meeting was opened up to the public for comment, but there was no public for this project.

A motion to close the public hearing was made by Jay Mendels and second by Cindy Ruff.
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 of the requested variance was made by Jay Mendels and second by Cindy Ruff.
All in favor, 0 opposed.

APPLICANT: VALERY DYRAVCHUK

33 Treasure Lake Road

Rock Hill, NY

S/B/L: 53.-1-5

Denise Denisenko, Translator

Applicant is requesting an Area Variance from §250-7 of the Town of Thompson Zoning Code for (1) Rear yard setback with W/S from required 50' to proposed 10' (2) One side yard setback with W/S from required 15' to proposed 12' (3) Increasing a nonconforming – which is not permitted. Property is located at 33 Treasure Lake Road, Rock Hill, NY. S/B/L: 53.-1-5. In the Zone: SR

Chairman McClernon read legal notice aloud.

Proof of mailings were received.

Denise Denisenko – Valery has a small house, that is not the main house, and he wants to rebuild it. Chairman McClernon – It looks like it is going to be much larger. Denise Denisenko – Yes. It will be a little longer.

Jay Mendels – Is the existing house livable? Denise Denisenko – The small one? Jay Mendels – Yes. Denise Denisenko – No, it is not.

Jay Mendels – What will he use this house for? Denise Denisenko – To live there. Chairman McClernon – When was the last time someone lived in it? Denise Denisenko – No one has lived there since he bought the property in 2016. Jay Mendels – One of the concerns I have is that if there was not an existing house already there, you would not be able to have a second house on this property. Chairman, can you read to them the siting that we were discussing in the work session? Chairman McClernon – What is sited for nonconforming uses under 250-21A(2) is “the building shall not be enlarged, extended, reconstructed, or placed on a different portion of the lot”. Denise Denisenko – It is going to be on the same portion of the lot. Chairman McClernon – Right, but it shall not be enlarged, extended, or reconstructed. Then 250-21A(4) states “it shall not be reestablished if such use had been significantly discontinued for any reason for a period of one year or more or has been changed to or replaced by a conforming use” and it has not been used for a long time now. Denise Denisenko – So, is it possible if we keep it in the same footprint? Chairman McClernon – What is currently being done with the main house? Denise Denisenko – He also wants to fix that one up at a later time. Chairman McClernon – After the smaller one is built? Denise Denisenko – Yes, he just wants to work on the smaller one first. Jay Mendels – Would it be for the owner to live in or will he rent it out? Denise Denisenko – He is going to live in it himself. Chairman McClernon – What about the main house? Denise Denisenko – He will live there with his wife. He wants to fix the small one and live there while he fixes the main house. After the main house is done, he might rent the small one. Jay Mendels – What is the size of the lot? Denise Denisenko – It is 0.75 acres. Jay Mendels – With two houses on that. Jim Carnell – Also a garage and a shed. Jay Mendels – It looks like the existing house is 24' x 14' and you want to make it 32' x 25', right? Denise Denisenko – Yes. Jay Mendels – So, that is about 800 sq. ft. which is not very big. Cindy Ruff – It looks like he is just basically widening it. Chairman McClernon – The code for this zone states that properties with central water and sewer, which this has, they can have two single-family houses per acre, but he does not have an acre. Jay Mendels – But we discussed that even though they are in a water and sewer district, they are not hooked up, right? Denise Denisenko – Right, there are no water lines in the area so everyone has their own wells and septic. Chairman Lara – Paula, how does that work if they are in a water and sewer district, but don't get town water and sewer? Paula Kay – What does the code say if they have private water and sewer? Chairman McClernon – One single-family per acre. Paula Kay – Okay, but in this case, they have always had the two per acre, which is not necessarily changing. They are increasing the size of the second unit, so I would say is the Board needs to review it by the code section it came in under, which is with water and sewer. Chairman McClernon – Okay.

Jay Mendels – To me it looks like you tried to keep it in the same footprint as much as possible, but expanded it a little. Obviously an 800 sq. ft. dwelling is not huge and you are improving the lot lines a little bit. I'd be curious to see if the public has any input on this.

No further questions or comments from the Board.

The meeting was opened up to the public for comment.

Hal Simon, residing at 20 Lakeview Court – Asked the below questions:

- Are these requests in regards to the little blue house?

Chairman McClernon – If you are facing the house, it is the small bungalow in the back, left corner of the property.

- Are there plans to cut down any trees to make these improvements?

Denise Denisenko – No. He wants to clean up the land a little and he already got rid of some bushes, but he will not remove any trees.

Also was concerned about the trash that will be created by construction, as the property was previously littered with trash from other construction, and asked that a better effort be made to keep it cleaned up.

Denise Denisenko – He has two dumpsters at the property now, one bigger and one smaller, and all of the garbage will go in those and then be removed.

No further questions or comments from the public.

A motion to close the public hearing was made by Jay Mendels 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; 3 voted yes and 1 voted no (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 of the requested variances was made by Darren Miller and second by Cindy Ruff.

All in favor, 0 opposed.

APPLICANT: BURIM SELIMAJ

146 Adams Road

Rock Hill, NY

S/B/L: 25.-1-49.8

Applicant is requesting an Area Variance from §250-8 of the Town of Thompson Zoning Code for (1) Garage height from required 16' to proposed 24' (2) Garage door height from required 8' to proposed 10'. Property is located at 146 Adams Road, Rock Hill, NY. S/B/L: 25.-1-49.8. In the Zone: RR-1

Chairman McClernon read legal notice aloud.

Proof of mailings were received.

Burim Selimaj – I have four kids and a lot of equipment, such as tractors and four wheelers, so we need space to store everything. The house being built is only 1,200 sq. ft. with three bedrooms and that is just not enough space. Having the upper level in the garage will help with storage and that is why I am here tonight.

Jay Mendels – Is there a an arial photo of this lot? Chairman McClernon – No, because it is just a vacant lot at the moment. Jay Mendels – So, there is nothing on the property? Burim Selimaj – No. Jay Mendels – Are there any adjacent houses? Burim Selimaj – No. The closest house is Michael Hoyt and he is on the opposite side of the road over 200 feet away. There is no one directly across from me or on either side of me. Paula Kay – But, people do own those vacant lots and could possibly be impacted. However, they were noticed and I don't believe anyone is in attendance for this.

Cindy Ruff – How many acres do you have? Burim Selimaj – 5.19 acres. Cindy Ruff – Okay and where on the property is it going to be located? Will it be in a wooded area? Burim Selimaj – It will be on the right side of the property as you are driving in and it will be in the woods. The house is what you are going to see because it is long. You won't really see the garage.

Cindy Ruff – Will it be stick built? Burim Selimaj – Meaning? Darren Miller – Meaning not prefab. Cindy Ruff – Right, something that comes already built. Burim Selimaj – It will not be prefab.

Jay Mendels – How tall is the house going to be? Burim Selimaj – I believe it will also be 24'. I thought they would match. Jay Mendels – People don't usually try to match the height of their house and the code requirement is 16', so the ask to go up to 24' is almost a 50% increase. I think that is a big ask and since nothing has been built yet, is there another way this can be planned so that the garage is not quite so tall. Burim Selimaj – I don't know how to do that and still be able to stand up on the second level as the walls for a garage are 12' already and the door 10'. Jay Mendels – And what did you need the extra height on the door for? Burim Selimaj – For my tractor. Cindy Ruff – Like a backhoe? Burim Selimaj – Yes. Darren Miller – Is this a hip roof? Jim Carnell – Yes. Burim Selimaj – I asked the engineer to do a hip roof so that it is not too, too tall. Darren Miller – And the goal is to have the pitch and most height towards the center, right? Burim Selimaj – Yes, so that I can stand in most of the area.

Jay Mendels – I know there have been other oversized garages approved in the area, but like I said, this is a big ask. I can understand your reason for needing the extra room, but is there any way to make the house bigger to accommodate that need? Burim Selimaj – For financial reasons this is the best way. I did speak to the property owner down the road, that was approved for an oversized garage, and I believe his is also 24' high. I believe his name is Chris Edwards and he recently built his garage. Jay Mendels – Does any of the Board remember that coming before us? Lauer Eppers – It was an approval granted by the Planning Board. Jay Mendels – Even though I can understand the ask, I would like to see it lower a little bit as a compromise. But that is only my opinion and I don't know how the rest of the Board feels. Chairman McClernon – What do you feel is appropriate; 22' or maybe 20'? Jay Mendels – If we split the

difference, it would be 20'. Which would still leave 8' for the storage space. Burim Selimaj – So, I can do 20'? Jay Mendels – I would feel more comfortable with that. You are coming before with the request and it is our job to take a look at everything and decide if the request should be granted or not. I think that a compromise is the best way for this to be done. Darren Miller – I believe you will have to change the pitch and it won't be 12 on 12 anymore. Cindy Ruff – The up stairs will have to be 8' now, that's all. I think that is still plenty of room to stand up. Chairman McClernon – The only issue is with the hip roof because it will take away from the height on the sides of the storage area. Jay Mendels – This is still in the planning stage, so that can be changed if it is too much of a problem. Chairman McClernon – You could always use dormers. Burim Selimaj – I chose a hip roof so that it would match with the house. Jay Mendels – I not saying he has to change the style of roof, that is his choice and whatever works best, but I would like to only see it at 20'. Darren Miller – Is this one of the properties over there that slopes down? Burim Selimaj – Yes, it is. The grade there is much lower. Chairman McClernon – How does the rest of the Board feel about the height? Cindy Ruff – We have done it before, but like Jay mentioned 50% is a big ask. Chairman McClernon – The one that come to my mind is the oversized garage over by Wolf Lake, where the garage was taller than the house. Darren Miller - This is a tough one because although it won't be seen from the road, we don't want to set a precedence for everyone else.

No further questions or comments from the Board.

The meeting was opened up to the public for comment, but there was no public for this project.

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

- (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
- (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 oversized garage door as requested and to approve an oversized garage at a maximum height of 20' was made by Jay Mendels and second by Cindy Ruff.
All in favor, 0 opposed.

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

Respectfully submitted,

Laura Eppers
Secretary
Town of Thompson Zoning Board of Appeals