

TOWN OF THOMPSON ZONING BOARD OF APPEALS Tuesday, February 10, 2015

IN ATTENDANCE: Chairperson James Carnell

Richard Benson

Brian Soller, Alternate

Jose DeJesus, Alternate

Richard McClernon

Pamela Zaitchick

Logan Morey, Building Inspector

ABSENT: Paula Elaine Kay, Attorney, Robert Hoose and Kathleen Brawley, Secretary

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

A motion to accept the January 13, 2015 meeting minutes was made by Richard McClernon and seconded by Richard Benson.

3 in favor, 0 opposed

SHEVAS ACHIM BUNGALOW and EPR CONCORD II, L.P. Joyland Road, Monticello, NY 12701 - Section 23 Block 1 Lot 65.2 Steven Vegliante, Esq.

Chairman Carnell read the public notice.

Mr. Vegliante provided the Board with maps of the subject premises. Mailings were provided to the secretary.

Mr. Vegliante advised that EPR is purchasing a small portion of property from the colony. EPR is giving some property to the colony, essentially a land swap, which cleans up some of the colony's encroachments. The map is color coded to show which the properties each entity owns. Although the proposed variances do not make the colony conforming, it will improve what it was.

Mr. Vegliante went through the list of variances requested and advised that for purposes of calculations, the applicant provided the worst existing variance needed, even if it was determined that they needed less of a variance.

- 1) A decrease in the required lot area from the required 10 acres to 5.559 acres;
- 2) A decrease in one side yard from the required 50 feet to 42.58 feet;
- 3) A decrease in the combined side yards from the required 110 feet to 85 feet; and
- 4) An increase in density from the required 11 to 20.

The Board discussed the map provided by Mr. Vegliante and the locations of each variance.

Mr. Vegliante advised that the existing side yards are improved, habitable floor area is okay and the density per acre changed. Logan Morey advised that it went from 11 to 20 units, which Mr. Vegliante confirmed. Chairman Carnell advised that for the Board's purposes, the increase in density is from the required 11 units to 20 units.

Mr. Vegliante advised that lot coverage is not an issue. It is nowhere near the 10% maximum coverage. The building heights are also not an issue. Nothing new is being built. Therer were buildings in the colony which were over the property line and we are correcting this.

Chairman Carnell advised that the Board did see one of the older maps and were able to see what is going on prior to the meeting. The only thing the Board is looking for is an owner's proxy. Mr. Vegliate thought he had provided the same; he represents EPR only but did obtain one from the colony. Mr. Vegliante will provide it to the Board tomorrow morning.

Chairman Carnell noted that he understands the applicant is making an improvement of the existing property lines, however, we don't see anything on the site plan that states that. Mr. Vegliante advised that he will amend the site plan however the Board needs it to be amended. Mr. Vegliante also advised that he is going before the Planning Board tomorrow night.

The Board had no other questions.

Public Comment:

Roslyn Misner, a neighbor on Joyland Road advised that her issue with this project is that she was told by the casino that her road, Joyland Road, will be the truck route and that the "pretty road" to the casino will be behind Yonkel's property[the colony]. Ms. Misner advised that she believes she will never be able to sell her house and 17 acres because it is on a truck route and not a pretty route. She further advised that if Yonkel sells the colony, she will be completely lost because no one will want to buy her house. Mr. Vegliante advised the Board that his client offered Ms. Msiner an obscene price to purchase her home in the past, which Ms. Misner confirmed. Chairman Carnell offered to explain what is going to be reviewed by the Zoning Board tonight. He discussed where Mrs. Misner's home was in relation to the subject premises and advised that the Planning Board is reviewing is the entire project, including access and roads. Chairman Carnell further advised that part of the applicants' problem was that the property line of the colony was incorrect and there was a discrepancy. He explained the land swap and the location of the property in question to Ms. Misner. Ms. Misner asked where the route to the casino is and Mr. Vegliante showed her on the site plan. Mr. Vegliante further advised that he was not aware of any designated truck route. Chairman Carnell reminded Ms. Misner that this Board is only dealing with the encroachments and lot line issues and the creation of a new lot line. Ms. Misner complained about neighbors and added that she really

just wanted to know what the status of Joyland Road was. Mr. Vegliante offered to help her better understand. Ms. Misner is still concerned about being able to sell her home after the casino and new road are constructed. Mr. Vegliante said that this is a billion dollar first class development which will absolutely help the area. A lot of time and effort went into the plan. Chairman Carnell added that this application is not changing the initial casino plan. This is an issue that came up when the applicants were trying to figure out the property lines and learned that there were encroachments. Ms. Misner's reiterated that her concern is that Joyland Road is going to be a truck route.

Mr. Carnell asked Mr. Vegliante if the Planning Board was going to review the project tomorrow night and Mr. Vegliante said they would not and this application is not part of the project. Mr. Vegliante reminded Mrs. Misner that this application is just to clean up obvious lot line problems.

There was no further public comment.

- (1) Can the benefit sought by the applicant can be achieved by some method which will be feasible for the applicant to pursue but would not require a variance? All voted No.
- (2) Will an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance? All voted No.
- (3) Is the requested area variance substantial? All voted No.
- (4) Will the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? All voted No. Its actually improving any issues.
- (5) Is the alleged difficulty self-created? The Board said no, as this was a discrepancy that has existed for some time.

Chairman Carnell advised that since the Planning Board is Lead Agency, this Board does not need a negative declaration.

A motion to approve the four variances as requested, subject to Mr. Vegliante providing owners proxies and noting the actual side yard distances on the site plan was made by Richard Benson and seconded by Richard McClernon 5 in favor; 0 opposed.

MAYER GELBART and MAYA GELBART

368 Fraser Road, Monticello, NY 12701- Section 10 Block 8 Lot 8.2 Tim Gottlieb, P.E.

Chairman Carnell read the Public Notice.

Chairman Carnell asked for a motion to re-open the public hearing held over from the January 2015 meeting and a motion was made by Pamela Zaitchick and seconded by Richard McClernon

5 in favor; 0 opposed.

Proof of mailing was previously provided to the secretary at the January 2015 meeting.

Mr. Gottlieb provided the Board with revised site plans.

Chairman Carnell advised that the applicant is looking for a reduced setback for the construction of an addition. The site plan from last month showed another outbuilding, which has been removed from the plan provided tonight. The shed is no longer an issue.

Mr. Gottlieb advised that the side yards are reduced from 17.7 to 18.7 feet.

The location of the side yards in question on the map was discussed by the Board. The Board discussed that fact that there is a lot adjoining the premises which is owned by the applicant which is substantially larger than the lot in question. There is no question or issue of sewage disposal or wells, as the premises is serviced by Kiamesha water and Town sewer.

Richard McClernon advised that access to the back house is his biggest concern. Jose DeJesus concurred, that the more we grant these reduced setbacks, the more issue we are going to have with access.

Pamela Zaitchick said 15 to 4 feet is a lot. When do we say no? What is the code for if we don't abide by them. When we say yes, the next applicant will expect the same approvals. In this particular instance, I don't think the reduced setback will be a problem for anyone, but I am thinking about precedent. Joe DeJesus agreed and said this is why it is being brought up consistently.

Richard McClernon asked if the "L shape" would really make the house look that bad? Mr. Gottlieb advised that the deck would have to be removed and the roof re-done, which is substantial. Mr. McClernon suggested making the deck smaller and going off the front. Chairman Carnell advised that his suggestion will still require variances. Logan Morey added that if the applicants stay on the same footprint of the deck, it would not require further variances. The deck is over a foot from the ground, more like three feet. Mr. Gottlieb agreed.

There was no public comment.

Mr. McClernon added that he would like to see the addition off of the front of the building. There are other options to construct this addition. Chairman Carnell confirmed that they did discuss this last month. Mr. Gottlieb advised that the applicants did not want to change what

they proposed.

- (1) Can the benefit sought by the applicant can be achieved by some method which will be feasible for the applicant to pursue but would not require a variance? All voted Yes.
- (2) Will an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance? All voted No.
- (3) Is the requested area variance substantial? All voted Yes.
- (4) Will the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? All voted no.
- (5) Is the alleged difficulty self-created? All voted yes.

A motion to deny the variances as requested, based upon the answers to the required criteria questions, was made by Pamela Zaitchick and seconded by Richard McClernon 5 in favor; 0 opposed.

GARDEN HILL ESTATES LLC

50 Strong Road, Monticello, NY 12701 - Section 1 Block 1 Lot 12 Abe Berkovic

Chairman Carnell asked the applicant what the difference was from the application submitted last month and Mr. Berkovic advised that nothing has changed, he has just made a better clarification of the variances they are requesting. We sent out new notices with a schedule of the exact distances, etc. Last month's map was too generic.

Chairman Carnell read the Public Notice.

Mailings were provided to the Board by email. Mr. Berkovic will provide originals.

Chairman Carnell reviewed the schedule of variances requested with the Board.

Richard McClernon noted some discrepancies in the calculation between units 24 and 25. Chairman Carnell noted that they are improving the setbacks. Mr. Berkovic advised that the concept of the improvements is to maintain the existing the units. We are not extending, just improving. Chairman Carnell noted that in the notice, the proposed addition is 20 feet, not 11 feet. We have to clarify it as 20 feet. Logan says it meets today's regulations. They are saying the existing setback is 11 feet, which does not need a variance because it is existing. Mr. Berkovic noted that he asked for a greater variance which was requested, but the Board can fix it to what it should be.

The Board went through the requested variances by Unit number as reflected on the schedule. [The schedule is annexed to these minutes and made a part hereof]. Mr. Berkovic advised that

they are not making it worse, they are making them better.

With respect to Units 11-12 the setback amount is actually greater than what is requested, so it is not an issue.

With respect to Units 15-16 and 17-18, no variances were requested and therefore, no act of the Board was required.

Mr. Berkovic wanted to clarify that there are only two new units being fully replaced; Units 13 and 24. Everything else is just additions. Over the years, people wanted to add decks, rooms, etc. and everyone came to request the changes individually. The Building Department suggested that we do one request for all of the variances. We are also in front of the Planning Board. Not everything is going to be built that is shown on the plan, but rather than come in piecemeal, we are giving everyone the opportunity now to make the improvements.

Pamela Zaitchick thought that once the applicants make the proposed additions they cannot add anything in the future. Logan Morey advised that this is not accurate; it is only if you are non-conforming. This colony is conforming. Chairman Carnell further added that it is a permitted use in the zone and it conforms. Mr. Berkovic added that his application streamlines the process.

With respect to the distance between Units 24-25 Chairman Carnell noted that the dimensions are shown. Mr. Berkovic added that they are showing the footprint of the building, however, we don't know exactly what it is going to be. Since the replacement is going to be a close deck, he wants to show it.

Chairman Carnell further noted that on the bottom of the notice, there are additional variances requested. They are existing and the applicants are not making the variances more than what is already there.

Pamela Zaitchick asked about the condition of the property and Mr. Berkovic said there are no violations, it is a pristine premises. There are few open permits.

Chairman Carnell noted that last month, question was raised about the units per acre. Is that an issue? Logan Morey advised that the code allows 2 units per acre. Richard McClernon wanted to know if we have to deduct non-buildable areas, such as wetlands and septic areas from the calculations and Mrs. Morey said we do not, the calculation is based on the size of the entire lot. Mr. Berkovic advised that they are way under their lot coverage percentage. Mrs. Morey advised the Board that the applicant has 18 acres of land and they have Planning Board approval for what they have now. They are not increasing units, so there is no issue.

Chairman Carnell reminded the Board that this applicant will have to go before the Planning Board.

The Board had no further comments.

There was no public comment.

The Board discussed how to proceed with the vote. They noted that they can do them at once and exclude the units which do not need variances.

- (1) Can the benefit sought by the applicant can be achieved by some method which will be feasible for the applicant to pursue but would not require a variance? All voted Yes.
- (2) Will an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance? All voted No.
- (3) Is the requested area variance substantial? All 4 voted Yes. Chairman Carnell voted no, because of the existing setbacks.
- (4) Will the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? All voted no.
- (5) Is the alleged difficulty self-created? All voted yes.

A motion to approve the variances as requested with respect to Units 2-3, 4-5, 6-7 and 8-9 which are represented in the annexed schedule was made by Pamela Zaitchick and seconded by Richard Benson

5 in favor; 0 opposed

Chairman Carnell asked that due to the fact that the distance between Units 10-11 and 11-12 is actually greater than what was requested in the public notice, that a motion be made to amend and approve the variances as requested as follows:

- A) Units 10-11, the applicant requested 11 feet but only needs 20 feet. Applicant is requesting a variance from the required building separation of 25 feet to 20 feet; and
- B) Units 11-12, the applicant requested 19.8 feet but only needs 21.4 feet. Applicant is requesting a variance from the required building separation of 25 feet to 21.4 feet.

A motion to approve the variances with respect to Units 10-11 and 11-12 as amended and reflected above was made by Richard Benson and seconded by Pamela Zaitchick. 5 in favor; 0 opposed.

A motion to approve the variances as requested with respect to Units 12-13, 19-20 and 23-24 which are represented in the annexed schedule was made by Pamela Zaitchick and seconded by Richard Benson

5 in favor; 0 opposed

Although noted on the annexed schedule, the Board took no action with respect to Units 15-16 and 17-18 because no variances were required.

With respect to Units 24-25, although they are increasing the distance setbacks, it is not reflected in the public notice what the distance is. They are requesting 19.2 feet, when it is actually 12.2 feet. The request is denied and the Board will keep the hearing open. A motion to deny the request with respect to Units 24-25 was made by Pamela Zaitchick and seconded by Richard Benson.

5 in favor; 0 opposed

After the Board confirmed that the requested variance was in fact included in the Public Notice, a motion to approve the existing front yard setback for Unit 24 from the required 100 feet to 78.6 feet was made by Richard Benson and seconded by Richard McClernon. 5 in favor; 0 opposed

ROYAL BUNGALOW COLONY

Dillon Road, Monticello, NY 12701 - Section 18 Block 1 Lot 55.1 and 55.2 Glenn Smith, P.E., Joel Kohn

Chairman Carnell read the Public Notice. The schedule annexed to the Public Notice will also be annexed hereto and made a part hereof.

Mailings were provided to the Board.

Mr. Smith explained the map setup. Royal Bungalow colony has 27 different buildings with 52 rental units. All the yellow homes on the plan are existing and are not be modified. There are 16 units on the plan which are a lot small, which are to be replaced. One reason we are asking for a variance is because the colony is quite spread out right now. The smaller units will be replaced with slightly larger units.

There is an old mobile home on the property which is too close to the road, it will be removed.

On the existing colony, access for emergency vehicles is not great. We spoke with the Town Attorney and Town Engineer and we are going to construct a new access road all around the site to access all of the units on the site. The main thing is that there is a big distance between units. We will still keep the required separation. This is a pre-existing, non-conforming use in the SR zone. The code says we cannot increase the buildings more than 15 percent of the foot print or 200 feet, whichever is greater. The footprint of the existing units is around 380-390 feet. They are small. The attached table showed the percentage of increase.

For example, on the attached table, we show a 120 percent increase, but that's from an existing

290 square foot unit. The proposed larger units are 30x30 or 900 square feet and not huge. There is an existing septic system. There are 9 leech fields that serve the colony. If the variances requested tonight, we will have to go back before the Planning Board to get a whole new layout of the sewer, etc. We have an existing SPEDES permit from the DEC for 15,500 gallons a day. The 15,500 gallons is based upon the older units, which do not have water saving fixtures and we must use 130 gallons per day per bedroom for purposes of calculating usage. The new units, if approved, would all have water saving fixtures which brings the requirement for calculations to 110 gallons per day per bedroom total flow of 11,000 gallons per day which is less than what is used now. There are two laundry rooms on the property which will be removed and washers and dryers will be installed in each unit, which will further reduce the usage, together with the water saving fixtures, by 2000 gallons per day less than the SPEDES permit allows.

There will be stacked washer/dryer machines in the new units. The existing machines in the laundry rooms use 580 gallons per day per machine based upon by DEC requirements. There are 10 machines in each laundry room. By abandoning the laundry room and going to each unit having a washer and dryer, it reduces the amount of water used.

M. Smith further advised that the applicant received a denial from the Planning Board in order to come before this Board.

Chairman Carnell noted that the applicant is improving front yard setbacks and access to the site. Jose DeJesus commented that he like the fact that the applicant took firematic access into consideration. Joel Kohn further added that they are maintaining the required building separation.

Mr. Smith advised that the same families come back each year to this colony. They just want better living arrangements. The existing buildings were approved in the 1990s before the present code was enacted. This colony was conforming at one point.

Richard McClernon feels that the Board could be opening a real issue because this is a non-conforming bungalow colony, especially since they are increasing some units by 200 percent. Once we allow this project, how many other colonies are going to want the same variances? Plus, the buildings that are there, they are in fair condition, they could put in water saving fixtures and build on to each unit 200 square feet or 15 percent. The Code says that to replace a building you have to put it back on the same footprint.

Joel Kohn thought that "footprint" does not mean the same spot and the Board corrected him and told him it does mean the same spot.

Richard McClernon advised that his issue is that they are making some units 100% bigger than existing, which Mr. Smith confirmed. Mr. Smith noted that is why we are asking for a variance.

Chairman Carnell added that while he certainly understand Mr. McClernon's points, this applicant is maintaining all required setbacks and building separations. They are even improving them. Approving this application would not be setting a precedent for other applicants, because there are a lot of other things to consider. Mr. Smith added that there are very few colonies in the area that can come in and do something nice like this. Mr. Kohn added that they are bettering the community. Chairman Carnell also noted they are providing better access to the buildings on the site. Mr. Kohn advised that the applicant is not going to put any money into the property if he can't build the units as requested.

Mr. McClernon felt that since these are not year round homes, they don't need to be as large. Joe DeJesus advised that he agrees with Mr. McClernon, but this application is very different than what has been presented before this Board by other applicants. Mr. McClernon felt it was going against Town Law. Mr. Smith advised that setting a precedent was the first thing he thought of when he saw this application, but these buildings are so spread out, we can give them a larger, energy-efficient unit and still maintain the required setbacks and building separation requirements. There is no increase in population. Chairman Carnell added that there are no additional units being built and all setbacks are being met. Denisity is not increased, although a variance for density is not required because this is not a permitted use in the zone. Mr. Smith confirmed it is not even close to the 10% lot coverage. Mr. McClernon noted that there are more bungalows on the lot than permitted, if you calculate it at 2 units per acre. Logan Morey advised that calculating 2 units per acre is a calculation used in a conforming zone. Although, if we used the 2 units per acre, you would have 30 permitted units for this property. Mr. Smith advised that the property is two separate parcels. Mr. McClernon stated that to get the required 34 acres, the applicant would have to combine the two lots and some of the acreage is wetlands. Glenn confirmed that wetlands reduce the amount of net acreage used for calculation purposes. After further Board discussion concerning density, Chairman Carnell reminded the Board that the applicant does not need a variance for this, because they are using a bulk table from a different zone for example purposes only. Mrs. Morey further added that the applicant is keeping the existing numbers and they are not adding units. Mr. Smith confirmed they are just changing the footprint size.

Mr. Smith added that with the present landscaping, you can't see the buildings, although the Planning Board will require updated landscaping and septic. The Board discussed landscaping and location of existing driveways on the plan.

Mr. Kohn added that there are no open violations or building permits which Logan Morey confirmed.

Mr. McClernon did note that the trailer is going to be removed and Mr. Smith pointed out two other trailers which will also be removed.

Mr. McClernon reiterated his suggestion that they replace the water fixtures and expand the

existing buildings by 15% or 200 square feet, whichever is greater. Mr. Kohn advised that the owner will not invest in expanding the existing bungalows. The buildings are duplexes and they could only add a 10x10 foot room. Mr. McClernon advised that this is a big room.

The Board had no other questions.

There was no public comment.

Pamela Zaitchick asked about larger homes on the plan and Mr. Kohn advised that because they want to maintain the building separation, they did not change much.

- (1) Can the benefit sought by the applicant can be achieved by some method which will be feasible for the applicant to pursue but would not require a variance? 2 voted no; 2 voted yes (Carnell and McClernon).
- (2) Will an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance? All voted no.
- (3) Is the requested area variance substantial? All voted yes.
- (4) Will the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? All voted no.
- (5) Is the alleged difficulty self-created? All voted yes.

After discussion it was decided to vote on the variances requested as a whole. Chairman Carnell requested that a motion be made to approve the variances as requested on the next schedule. A motion was made by Richard Benson and seconded by James Carnell. 3 in favor; 1 opposed (Richard McClernon).

Chairman Carnell advised that the variances are approved as requested but the applicant still needs site plan approval from Planning Board.

KAUFMAN COLONY CORP.

171 Kaufman Road, Monticello, NY 12701- Section 12 Block 1 Lot 5.7 Joel Kohn

Chairman Carnell read the Public Notice.

Mailings were provided to the Board.

Joel Kohn provided two maps, one is the existing units and one is the proposed units. Mr. Kohn claimed that the current setbacks for Unit 30 will be improved. Both units will be demolished and replaced. They are old units and need to be replaced. Mr. Kohn advised that

on Unit 31, because of a staircase, the distance will be reduced by one foot from the existing footprint.

The Board discussed the location of decks on the subject premises.

Pamela Zaitchick felt that this was a good application, as they are replacing dilapidated buildings. Richard McClernon felt that we cannot use that excuse for every variance request. Ms. Zaitchick said that she would rather look at nicer new buildings than dilapidated bungalows. Mr. McClernon said the existing units can be upgraded and sided. They do not need to be replaced.

Mr. Kohn advised that the current buildings are on piers; the new buildings will be on a full foundation. Pamela Zaitchick favored this.

Logan Morey asked Mr. Kohn to confirm the footprint of Unit 31. The Board discussed other ways to rotate the unit to reduce setback issues. The Board was unable to come up with an alternate location for that unit which would not negatively affect the setback and building separation issues further.

The square footage of the new units is the same as the old units, but adding the decks makes the square footage slightly higher.

Mr. Kohn said this is a conforming colony. Chairman Carnell confirmed it is a permitted use in the zone.

Mr. Kohn said the biggest change is that Unit 31 will be closer to the road because they are squaring off the building. They have tried other ways to update the building in this location, but this is the best configuration. They want to keep areas for children to play. Pamela Zaitchick asked how many areas are on the site for the children to play and Mr. Kohn said the children play outdoors throughout the entire site. The Board discussed other configurations of Unit 31 as well. Logan Morey said that the applicant can achieve the benefit sought by another method which is feasible for the applicant.

The Board had no other questions.

There was no public comment.

With respect to Unit 30:

- (1) Can the benefit sought by the applicant can be achieved by some method which will be feasible for the applicant to pursue but would not require a variance? All voted no.
- (2) Will an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance? All voted no.

- (3) Is the requested area variance substantial? All voted no.
- (4) Will the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? All voted no.
- (5) Is the alleged difficulty self-created? All voted yes.

A motion to approve the area variance requested from §250-11 of the Town of Thompson Zoning Code granting a reduced front yard setback for Unit 30 from the permitted 100 feet to 86 feet, 2 inches was made by Richard Benson and seconded by James Carnell. 4 in favor; 0 opposed.

With respect to Unit 31:

- (1) Can the benefit sought by the applicant can be achieved by some method which will be feasible for the applicant to pursue but would not require a variance? All voted yes.
- (2) Will an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance? All voted no.
- (3) Is the requested area variance substantial? All voted yes.
- (4) Will the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? All voted no.
- (5) Is the alleged difficulty self-created? All voted yes.

A motion to deny the area variances requested for Unit 31 was made by Pamela Zaitchick and seconded by Richard McClernon. 4 in favor; 0 opposed.

VINCENT CRETELLA

16 Crescent View, Rock Hill, NY 12775 - Section 54 Block 2 Lot 9 Victor Kask

Chairman Carnell read the public notice.

Mailings were provided to the secretary.

The Board received a letter from a neighbor, Solomon Himmelfarb, who indicated that he objected to the granting of variance, but did not provide a reason for the same.

The Board discussed the application. After discussion, it was decided that the request for the additional side yard setback from the required 15 feet to 5.7 feet should really only be from the required 15 feet to 10 feet.

(1) Can the benefit sought by the applicant can be achieved by some method which will be feasible for the applicant to pursue but would not require a variance? All voted no.

- (2) Will an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance? All voted no.
- (3) Is the requested area variance substantial? All voted no.
- (4) Will the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? All voted no.
- (5) Is the alleged difficulty self-created? All voted yes.

Chairman Carnell asked for a motion to approve the following variances

- A) Area variance from §250-B of the Town of Thompson Zoning Code for the purpose of increasing a non-conforming structure; and
- B) Area variances from §250-7 of the Town of Thompson Zoning Code for the purpose of:
 - 1) reducing the front yard setback from the required 40 feet to 17.3 feet;
 - 2) reducing one side yard setback from the required 15 feet to 9.4 feet;
 - 3) reducing an additional side yard setback from the required 15 feet to 10 feet;
 - 4) reducing the combined side yard setbacks from the required 40 feet to 15.1 feet;
 - 5) permitting an increased lot coverage from the required 20% to 21%.

A motion was made by Richard Benson and seconded by Richard McClernon. 4 in favor; 0 opposed.

Respectfully submitted,

Kutullu Mully Kathleen Brawley, Secretary

Town of Thompson Zoning Board of Appeals