

TOWN OF THOMPSON
ZONING BOARD OF APPEALS
Tuesday, November 12, 2019

IN ATTENDANCE: Chairman Richard McClernon Richard Benson
 Robert Hoose Jay Mendels
 Ryan Schock
 Paula Elaine Kay, Attorney Barbara Strong, Alternate
 Eric Horton, Building/Planning/Zoning
 Debbie Mitchell, Secretary

Danielle Jose-Decker is absent
Chairman Richard McClernon appoints Barbara Strong as a voting member.

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

A motion to approve the October 8, 2019 minutes was made by Jay Mendels and seconded by Ryan Schock
5 in favor, 0 opposed

APPLICANT RICHARD COHEN

Applicant is requesting area variances from §250-9 of the Town of Thompson Zoning Code for the following purpose: (1) Garage setback to property line required 25' to proposed 10' (2) Garage setback from primary structure required 25' to proposed 10' (3) Garages shall not exceed 16' in height required 16' to proposed 20'.

Property is located at 57 Canal Rd, Rock Hill, NY in the RR-2 zone, S/B/L: 66.-11-2
Bob Mickelson, Greys Woodwork, representing Richard Cohen

Satisfactory proof of mailing was provided to the Board.

Mr. Mickelson - We are looking for a setback on the side to allow for the new garage. If it was over any further it would be behind the house and he wouldn't be able to access the garage. We are looking to attach the building to his existing building because Wolf Lake does not allow two building on one piece of property. The height restricting is 20 feet already in Wolf Lake. With the yard being so narrow we need a little relief. It will come straight up the driveway right up to the garage. If we move it more to the right it would be behind the house and we would need to take down trees.

Paula Kay – Do we have a letter from Wolf Lake Homeowners Association (HOA)? Mr. Mickelson - I have two letters. The first letter is looking for the plot map, which is being worked on. The second letter said that the 10-foot setback might be an issue but we need to get a variance from them since their setback is 20 feet. There next meeting is December 8 and if I get them all the paper work they would then give me there answer that night. Then you can make a decision after that meeting.

Paula Kay reads the letter from Wolf Lake HOA. Paula Kay – We don't have to abide by the rules of the Wolf Lakes HOA, we look at our code. But the Board often does wait for the approval from them before making their decision. Mr. Mickelson – I'm not expecting an answer from you until you hear from them.

Richard Benson – The septic is not shown on the site plan? Mr. Mickelson – It will be on the new survey map.

Jay Mendels – My concern is the joining of the two buildings, will it look like one? Mr. Mickelson – Yes. Chairman Richard McClernon – Will there be storage upstairs? Mr. Mickelson – Yes.

Chairman Richard McClernon – The stairs on the deck are coming down by the existing shed there might be an issue. Mr. Mickelson – We will take care of them. They really don't want to take the other building down or cut down trees. It's going to be hard to get to the building if it's behind the house.

Robert Hoose – It looks like there not going to budge. Mr. Mickelson – I just did one down the road the other month and I said to them if you allow for one you should allow for all.

PUBLIC COMMENT:

Catherin Woodruff, 53 Canal Road - To me it's too close to my line. When I go out and sit in my back yard, I'm not interested in looking at the side of a building. I came here because of the area and the way it was set up. He told me he wanted a shed and that none of these changes would affect me. Robert Hoose – Years ago they made those small lots and everyone wants to put all this stuff on these small lots. You have a small lot too. Ms. Woodruff – I have two lots and so does he. He has the lot behind the one. He could of went to the second lot and opened up the property. His comment to me was that it would not affect me because it's going on the other side. I don't agree. What's the point to having rules and regulation if we don't follow them? Robert Hoose – I agree, but it's your Homeowners Association that you should be complaining too. Ms. Woodruff – I'm not happy with this.

Robert Hoose – Is he going to store two cars in the garage? Mr. Mickelson – One Car.

Ms. Woodruff – I don't like the idea that I was told one thing and something else is going to happen. I think there can be other ways to work this out for all of us.

Chairman Richard McClernon – You should go to the next HOA meeting and strongly express you feeling to them. Ms. Woodruff – I have already went to the office and they said this was all taken care of.

Chairman Richard McClernon – We are going to hold this open until we hear from Wolf Lake HOA.

Chairman Richard McClernon – What is the size of the building? Mr. Mickelson – 20' x 24' and 20 feet high which is allowed.

Mark Woodruff, Ms. Woodruff son – Does he need a variance because there is three building instead of two? Chairman Richard McClernon – No, the variance is the setback from the garage to the property

line and the height of the garage. Mr. Woodruff – If he removed the shed and moved the garage around to the back then there is no property line setback. Chairman Richard McClernon – Maybe, I don't know how wide the property is. Mr. Woodruff – Is that possible? Paula Kay – He first needs to go to the HOA and if they do separate the buildings then he would need a separate variance from the HOA for the two accessories.

Chairman Richard McClernon – A garage behind the house, would it make that much difference? Mr. Woodruff – I believe this garage is going to depreciate the value of my Mom's house. Because it's so close and blocking any view of the woods from the deck. Taking the garage and moving it 25' away would not be encroaching her property line.

Paula Kay – We are not going to act tonight; this has to go to the HOA then most likely it will come back here. If the plans change a lot then the applicant will have to re-notice everyone. Otherwise they will just come back here next month.

Richard Benson – The topography for the land behind the shed is what? Mr. Mickelson – it's flat where the elevation is and nice where the garage is sitting. It's a foot above the driveway. There are no trees in that spot to take down either.

PUBLIC COMMENT CLOSE:

A motion to hold open the public hearing until December 8, 2019 was made by Robert Hoose and seconded by Ryan Schock
5 in favor; 0 opposed

APPLICANT RJPM LLC

Applicant is requesting area variances from §250-8 of the Town of Thompson Zoning Code for the following purpose: (1) Front yard setback (Second Rd) required 50' to proposed 9.4' (2) Front yard setback (North Shore Rd) required 50' to proposed 30'; (existing) (3) One side yard required 20' to proposed 5.7' (existing) (4) Combined side yard setback required 50' to proposed 17.9' (5) percent of lot coverage required 10% (existing = 23.8%) to proposed 30.18%.

Property is located at 15 Second Rd, Rock Hill, NY in RR-1 Zone S/B/L: 37.-4-4
Robert Schmitt

Satisfactory proof of mailing was provided to the Board.

Paula Kay – I saw the operating agreement and there are four members, are you the managing member? Mr. Schmitt – Yes.

Mr. Schmitt – My neighbor suggested we build a ground level deck and we did and then found out we were in violation of variance requirements. The house is higher than the ground around. The North side of the deck is 9 inches about the grade. From the back the grade drops off towards the lake. The

concept was to take the existing grade from the side of the house and bring the ground up to maintain the 9 inches. The South side of the deck is 20 inches higher than the existing grade. Because it sloped toward the lake. We though brining up the sides it would all be 9 to 10 inches above grade. Were asking for these variances to allow us to complete the project.

Chairman Richard McClernon – Where is the leach field? Mr. Schmitt – We believe it's on the South East corner. We really don't know. Paula Kay – We talked about this and we are going to need this information? Chairman Richard McClernon – The deck cannot be over the leach field.

Paula Kay – Who is the contractor? Mr. Schmitt – We don't have one. This is a home-built project. Paula Kay – You might need to higher one. Richard Benson – You will have issues if your putting all that dirt on top of it. Chairman Richard McClernon – I'm surprised the HOA allowed the deck without this information.

Mr. Schmitt show's Chairman Richard McClernon where the septic tank is.

Chairman Richard McClernon – The side where the leach field could be has extra dirt? Mr. Schmitt – No just a temporary pile of dirt.

PUBLIC COMMENT:

No Public Comment

PUBLIC COMMENT CLOSE:

Chairman Richard McClernon – We have an official letter from Wanaksink Lake Club stating they have no issues.

A motion to hold this application open until December 8, 2019 was made by Ryan Schock and seconded by Jay Mendels
5 in favor; 0 opposed

Paula Kay – Who did the survey? Mr. Schmitt – Galligan. Chairman Richard McClernon – Let the Building Department if you don't have the paper work before the next meeting.

Eric Hortan – If you can find the leach field and it's not affected by the deck and then you drop the deck down you won't need any variances.

APPLICANT SUNSHINE ESTATES

Applicant is requesting area variances from §250-8 of the Town of Thompson Zoning Code for the following purpose: (1) Percentage of lot coverage from required 10% to proposed 11.3%.

Property is located at 221 Ranch Road, Monticello, NY S/B/L: 16.-1-14.1
Joel Kohn, representative

Satisfactory proof of mailing was provided to the Board.

Mr. Kohn – This is an existing Bungalow colony. There are some bungalows that they want to demolish and put up new ones in their place that will have a larger lot coverage of 11.3% instead of the required 10%.

Chairman Richard McClernon – Is that lot coverage based on the 8 acres or the 10 acres that are required? Mr. Kohn - This is an existing property so they don't have the 10 acres, they are using the 8.84 acres.

Jay Mendels – Are the existing bungalows being taken down completely and replaced? Mr. Kohn - Completely taken down and replaced. Mr. Kohn shows the Board which building are being taken down on the site plan.

Paula Kay – On the application, you were denied by the Planning Board. It also says denied for building permit. But you didn't get the denial for the building permit, did you? Mr. Kohn - That is correct. Paula Kay – Just get that corrected next time you're in the office.

PUBLIC COMMENT:

No public comment

PUBLIC COMMENT CLOSE:

A motion for negative declaration motion under SEQRA was made by Robert Hoose and seconded by Ryan Schock

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
- (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 variance was made by Jay Mendels and seconded by Ryan Schock
5 in favor; 0 opposed

APPLICANT SERENITY GARDENS, LLC

Applicant is requesting area variances from §250-28C(2)(a) of the Town of Thompson Zoning Code for the following purpose: (1) building length from required 132' in length to proposed 154' in length (2) required with a 5' offset to proposed 0 offset.

Property is located at Serenity Lane, Monticello, NY S/B/L: 49.-1-3.34 & 49.-1-4.35
Mike Watkins, Owner

Satisfactory proof of mailing was provided to the Board.

Jay Mendels recused himself from participating in this application.

Mr. Watkins – The last set of condos' that this board approved is going terrific. We are very close to getting a CO on these condo's and then we will be doing the pool and a gym. We know have two more homes in design for the spring. It has attracted more question from the tracks membership where they don't have to worry about lawn care or snow removal. The last approval I got was for the size of the parcel. This time we are combing two of our 5 acres to make 10 acres giving us plenty of room. What I would like to do is permitted under your zoning. The two variances I'm here for tonight are for 1) length of the building and 2) the offset. This is on a private gated road. The design that we are going with is modern and modern colors with straight lines. The new building is going to mimic the design, color, and material of the existing garages. We have created a theme in our development. The reason I'm here for the variance on the building length is because we came up with a design for 5 additional units. There will be four, two-bedroom units and a double unit that will be a four-bedroom unit. We couldn't fit it in to the 135 feet that the code requires. Then there is the offset variance. The way we are going to build the structure will be the same as the garage. It made more sense to me to have a straight line instead of having all of the setbacks.

Robert Hoose – How many feet is the proposed building? Mr. Watkins – It varies, it will be about 1,000 square feet without the garage.

Ryan Schock – You will have a condo above with a garage below? Mr. Watkins – Yes.

Mr. Watkins – Facing the road there will be coverage decks that are bump out for each unit with a straight roof line.

PUBLIC COMMENT:

Bill Whalen, 189 Cantrell Road– I have no objection and just wanted to see what it was going to look like and that it was not going to be right next to us. They have been great neighbors.

PUBLIC COMMENT CLOSE:

A motion for negative declaration motion under SEQRA was made by Richard Benson and seconded by Ryan Schock

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
- (3) Whether request is substantial; All voted No, Chairman Richard McClernon – Could be a little substantial from 0 to 5. I'll say 1.
- (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 the variances was made by Ryan Schock and seconded by Robert Hoose
5 in favor; 0 opposed

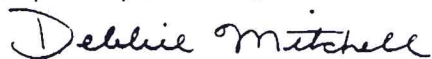
APPLICANT KIAMESHA HOME OWNERS ASSOCIATION

Property is located at 39 Medallion Rd, Kiamesha Lake, NY S/B/L: 9.C-23-1

Paula Kay – No one showed from Kiamesha Home Owners. And they are supposed to be at the Planning Board tomorrow night but now they can't present since they didn't show up tonight for their interpretation.

A motion to close the meeting at 7:53 pm was made by Richard Benson and seconded by Jay Mendels
5 In favor; 0 opposed

Respectfully submitted,



Debbie Mitchell
Secretary
Town of Thompson Zoning Board of Appeals