

APPROVED

TOWN OF THOMPSON
ZONING BOARD OF APPEALS
Tuesday, March 10, 2020

IN ATTENDANCE: Chairman Richard McClernon Richard Benson
Jay Mendels
Barbara Strong
Paula Elaine Kay, Attorney
James Carnell, Director of Building/Planning/Zoning
Debbie Mitchell, Secretary

Absent is Robert Hoose

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

A motion to approve the February 11, 2020 minutes was made by Barbara Strong and seconded by Jay Mendels
4 in favor, 0 opposed

JOHN SINCLAIR

Applicant is requesting area variances from §250-9 and §250-16 of the Town of Thompson Zoning Code for the following purpose: (1) Front yard (lake) setback from required 50' to proposed 40.9' (2) Combined side yard setback from required 50' to proposed 37.67' (3) One side yard setback (house) from required 20' to proposed 13.67' (4) One side yard (garage) from required 20' to proposed 16.2' (5) Percentage of lot coverage from required 10% to proposed 14.8% (6) Accessory structure (shed) from required 10' to proposed 2' (7) Rear yard (road) setback (garage) from required 50' to proposed 32'.

Property is located at 202 Canal Road, Rock Hill, NY: S/B/L: 62.-17-27 in the RR-2 zone.
John Sinclair, applicant

This application was held open since the February 11, 2020 meeting.

A Satisfactory proof of mailing was provided to the Board.

PUBLIC COMMENT:

No Public comment

PUBLIC COMMENT CLOSE:

A motion to close the Public Hearing was made by Jay Mendels and seconded by Richard Benson
4 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; Jay Mendels – Lot coverage is 50% over where it should be, otherwise everything else is minor. Richard Benson, Barbara Strong, Chairman Richard McClernon all voted No. Jay Mendels 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 all the variances was made by Richard Benson and seconded by Jay Mendels 4 in favor; 0 opposed

ROBERT SCHLOICKA

Applicant is requesting an Area Variance from §250-7 and §250-16A (2) of the Town of Thompson Zoning Code for the following purpose: (1) Garage height from required 16' to proposed 26' (2) Garage setback from all property lines (Side) from required 25.0' to proposed 4.0' (3) Garage setback from all property lines (Rear) required 25.0' to proposed 20.0' (4) Accessory building setback from main structure from required 10.0' to proposed 7.0' (5) Exterior finishes are to match the principal building from asphalt roof to proposed metal roof (6) Garage door height from required 8.0' to proposed 10.0'.

Property is located at 31 Lake View Drive, Kiamesha Lake, NY: S/B/L: 9.A-3-7 in the SR Zone Central W/S Robert Schloicka, applicant

A Satisfactory proof of mailing was provided to the Board.

Mr. Schloicka shows the Board a rendering of the building he plans on building.

Richard Benson – Why do you need 14-foot ceilings? Mr. Schloicka –I'm going to put a boat in the building. I want to be able to stand up in the boat while working on it. Barbara Strong – The total height will be 26 feet.

Jay Mendels – The overall height was a concern for all of use since it's going to look out of place. Chairman Richard McClernon – The max we have allowed for garages has been 22 feet. Mr. Schloicka – I can drop down the downstairs to making it around 23 feet in height. Jay Mendels – I still thinks it's pretty big. It's larger than your house? Mr. Schloicka – Yes, height wise but foot wise it's smaller.

Chairman Richard McClernon – Now we are going to have an issue with lot coverage. You can have up to 10% of lot coverage with your house and garage. Your going to remove the shed? Mr. Schloicka – Yes. Paula Kay – Is Mr. Schloicka over on lot coverage? Jim Carnell – Yes.

Jay Mendels – There is a setback issue and the construction of the roof. Why a metal roof? Mr. Schloicka – Because it cost less. The building next to me is metal. I want the building to blend in when it's all done. Jay Mendels – But this building is closer to your house won't it look funny? Mr. Schloicka – I could put the metal roof on both at the same time. I the want building material to match the house.

Jay Mendels – The setback on the four-foot side is very close to your neighbors. There view out of there house will be your building. Mr. Schloicka – That side of the house I believe is just the bathroom and one window.

Paula Kay – If this is over the lot coverage then you will have to re-notice and address the lot coverage. Mr. Schloicka – The lot coverage can't be more than 10%?

Jay Mendels – Can you make the footprint of the garage a little bit smaller? Mr. Schloicka – Yes, I don't want to have a building that is narrow and tall. I thought it would look funny. I figured wider and higher would look more in proportion. Paula Kay – It sounds like the board wants a lower height.

PUBLIC COMMENT:

Mark Anthony Rodriguez, neighbor– We have a fence on the property line and there is just a bathroom there with one window. It will not be an eyesore. We are happy this is happening; it's going to clean things up and not obstruct our view. Everyone in the area is very excited to see thing happening there. Chairman Richard McClernon – It's just a small window and you have metal siding? Mr. Rodriguez – Vinyl siding and metal roof. Paula Kay – When you say clean up what do you mean? Mr. Rodriguez – It's just nice to see things cleaned up in the area. He wants to store a boat in the building, is a great idea. Get's things out of our driveways and put away so it doesn't look so messy.

PUBLIC COMMENT CLOSE:

A motion to close the Public Hearing was made by Richard Benson and seconded by Jay Mendels
4 in favor; 0 opposed

Barbara Strong – Is the building going to be smaller? Paula Kay – You have the lot coverage issue too. Mr. Schloicka – I would really like to look at the lot coverage calculations.

Jay Mendels – I think we should get more info before voting.

Paula Kay – If you do keep these sizes and are over the 10% then you will need to add the second variance and will have to re-notice again, but if you make it smaller and are under the 10% then you can just come back next month.

Mr. Schloicka – This is the footprint of the foundation with or without overhang? Richard Benson – Overhangs don't count for the lot coverage but your porches do.

A motion to hold the Public Hearing open was made by Jay Mendels and seconded by Barbara Strong
4 in favor; 0 opposed

CHRISTOPHER KAYLOR

Applicant is requesting area variances from §250-8 and §250-16B of the Town of Thompson Zoning Code for the following purpose: (1) Accessory building closer to the road than the main building (2) Exterior finishes of the accessory structure shall be compatible with principal building from required asphalt shingles to proposed metal roofing (3) Exterior finishes of the accessory structure shall be compatible with the principal building from required vinyl siding to proposed metal siding.

Property is located at 16 Michael Hill Road, Monticello, NY: S/B/L: 28-1-4.16 in the RR1 zone.

Christopher Kaylor, applicant

Brad Harrison, Attorney

A Satisfactory proof of mailing was provided to the Board.

Mr. Harrison – Mr. Kaylor bought this house in 2016 and it had an old trailer on it. A tree fell on the trailer and then it was removed. He then applied for an application for the garage structure. He never received word on the application and the material laid around for a couple of weeks. He was under the impression that he could build and he put the garage up and he thought he had 1 year to replace the dwelling. He built the dwelling and in May 2017 he got a notice that there were multiple violations and he would need to tear everything done to be in compliance with the code. So, we are here now for a variance.

Chairman Richard McClernon – The house went up in 2017 and he did not have a permit? Chris – I had a permit for the garage. The existing house that was there was metal. Paula Kay – The answer is the Building Department denied the permit and that is why we are here.

Mr. Harrison – He did put up a nice garage and house and we need some variances. Mr. Kaylor – My intention is to put vinyl siding and dark green shingles on the house to match the garage.

Jay Mendels - You had an old trailer and you were planning on building the garage at that time? Mr. Harrison – A tree fell on it and it had to be replaced. Jay Mendels – And that was removed before the building of the garage? Mr. Harrison – Yes, he put the garage where the trailer was.

Paula Kay – Before getting to this point, Mr. Kaylor did pay building without permit fees.

Jay Mendels - Everything is existing and it would be a shame to have it all torn down. I would like to make sure that whatever we decided it is in contingent with the making of the dwelling to match the garage.

PUBLIC COMMENT:

No Public comment

PUBLIC COMMENT CLOSE:

A motion to close the Public Hearing was made by Jay Mendels and seconded by Richard Benson

4 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, Jay Mendels – Overall it's an improved
- (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 all the requested variance contingent on the house matching the garage when done and to have everything done within the next 6 months was made by Jay Mendels and seconded by Barbara Strong
4 in favor; 0 opposed

DAVID WOOLLEY

Applicant is requesting an Area Variance from §250-9 and §250-21B (4) of the Town of Thompson Zoning Code for the following purpose: (1) Increasing a nonconforming structure - (2) Combined side yard from required 50.0' to proposed 48.0' (3) Front yard setback (Lake Side) from required 50.0' to proposed 40.0'

Property is located at 11 Dayton Dr., Rock Hill, NY: S/B/L: 66.-5-4 in the RR-2 Zone.
Tim Gottlieb, Engineering

A Satisfactory proof of mailing was provided to the Board.

Mr. Gottlieb – They want to put a deck on the lake side of the building. We need a side yard variance for the existing building and front yard variance for the lake side.

Jay Mendels – Looked like Wolf Lake Homeowners make you change something. I see it was the septic.
Chairman Richard McClernon – How is the lot coverage? Mr. Gottlieb – We are all good.

Barbara Strong - We have an approval from Wolf Lake Homeowners Association.

PUBLIC COMMENT:

No Public Comment

PUBLIC COMMENT CLOSE:

A motion to close the Public Hearing was made by Richard Benson and seconded by Barbara Strong

4 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 all the variance was made by Richard Benson and seconded by Jay Mendels
4 in favor; 0 opposed

A motion to take the Agenda out of order was made by Jay Mendels and seconded by Barbara Strong
4 in favor; 0 opposed

GARDEN HILL ESTATES, LLC

Applicant is requesting an Area Variance from §250- 34(D)(8) of the Town of Thompson Zoning Code for the following purpose: Unit #3, Unit #4, Unit #7, Unit #9, Unit #13, Unit #16 and Unit #21 - Bungalow foundation from required full frost protected foundation wall to proposed Frost protected pier foundation.

Property is located at 50 Strong Road, Harris, NY: S/B/L: 1.- 1-12 in the RR-1 zone.
Jay Zeiger, engineer

A Satisfactory proof of mailing was provided to the Board.

Mr. Zeiger– We are looking to build addition onto these units. Jay Mendels – They are not looking to put piers on the existing building? Mr. Zeiger – No just the addition.

Chairman Richard McClernon – Unit 13 is going to be a new unit? Mr. Zeiger – Yes.

Mr. Zeiger – Most of the building are on piers. Barbara Strong – Are there some that are not? Mr. Zeiger – I believe there are a few that are not. Jim Carnell – Most of the building are on piers and a few buildings that were replaced are on foundations.

Jay Mendels – Your building nice new houses and we don't want them to look like building on sticks.
Richard Benson – Maybe do a masonry look to make them look better. They make the vinyl skirting that looks like stone.

PUBLIC COMMENT:

No Public Comment

PUBLIC COMMENT CLOSE:

A motion to close the Public Hearing was made by Jay Mendels and seconded by Barbara Strong
4 in favor; 0 opposed

A motion for negative declaration motion under SEQRA was made by Richard Benson and seconded by
Barbara Strong
4 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 all the variances, because our town code doesn't match with the state code we will
allow the frost protected pier and the skirting around the bottom be Vinyl that looks like stone was
made by Chairman Richard McClernon and seconded by Jay Mendels
4 in favor; 0 opposed

MONTICELLO RESORTS, LLC

Applicant is requesting an Area Variance from §250- 11 of the Town of Thompson Zoning Code for the
following purpose: Summer camp/bungalow colony front yard setback from required 100' to proposed
70'.

Property is located at 171 Kaufman Road, Monticello, NY: S/B/L: 12.-1-5.7 in the HC-2 zone
Jay Zeiger, engineer

A Satisfactory proof of mailing was provided to the Board.

Mr. Zeiger - We are looking to put an addition onto a bungalow. Currently its 86.6 feet and the
proposed addition will be 73.9 and the deck will be 70 feet. The request is in the back of the building.
They can't put anything on the front or sides. It's a 213 sq. foot addition. Jay Mendels – Does that
include the Deck? Mr. Zeiger – No, the deck is 3.9 feet plus width of the building. This is not the only
building within the 100-foot setback.

Jay Mendels – How are they going to make the new addition fit in with the old? Richard Benson – Consistent siding and skirting. Will the addition have a foundation or pier? Mr. Zeiger – I don't have a request for piers.

PUBLIC COMMENT:

No Public Comment

PUBLIC COMMENT CLOSE:

A motion to close the Public Hearing was made by Richard Benson and seconded by Barbara Strong
4 in favor; 0 opposed

A motion for negative declaration motion under SEQRA was made by Richard Benson and seconded by Jay Mendels
4 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 for the approve of all the variances contingent on that the house and addition match was made by Jay Mendels and seconded by Richard Benson
4 in favor; 0 opposed

GAB Land & Timber LLC C/O Walter Garigliano

Applicant is requesting an Area Variance of the Town of Thompson Zoning Code for: Name - Code Section Hunting/fishing cabin larger than 400 sq. - 250-9 Required Max. 400 sq. Proposed 576 sq. Name - Code Section Barn for harvesting of forest products setback to any lot line - 250-9 Required 200' Proposed 50'

Property is located at Katrina Falls Rd, Rock Hill, S/B/L: 68.- 1-1 In the Zone: RR-2
Walter Garigliano, applicant

Jay Mendels – I want to disclose that I have worked with Mr. Garigliano in the past but have nothing going on now and will stay on as a voting member.

A Satisfactory proof of mailing was provided to the Board.

Mr. Garigliano - I have a conflict with the town Zoning Law. The RR2 district permit allows hunting and fishing cabin's under 400 sq. feet of floor area and then on the right of the same column its say's minimum required floor area is over 400 sq. feet. I was surprised on the interpretation. This building that is proposed is 560 sq. feet enclosed area with an entry. Currently there is nothing there. There was an airstream trailer that was rented out and there is a building with a kitchen, dining room and bathroom. Last year I decided to replace the airstream with a building. Coverage is .000074%. Jay Mendels – Will there be electric? Mr. Garigliano – No, it will run off of the solar panels that are already there. Jay Mendels – And what about the second building? Mr. Garigliano – It will stay.

Mr. Garigliano – The location of this building is not near anything or anyone. Mr. Garigliano goes over the site map to show there are no neighbors.

Chairman Richard McClernon – Is there an exemption for forestry? Mr. Garigliano – Yes, but not for this area. Paula Kay – I don't think that is relevant at this time. Mr. Garigliano – The exemption is not where the structure is going to be.

Chairman Richard McClernon – Is the building done? Mr. Garigliano – I started but stopped when I got the denial. Chairman Richard McClernon – So you built without a permit? And the trailer is gone? Mr. Garigliano – It's there but not hooked up. Waiting to pull it out.

Mr. Garigliano – I plan on building a building to store the equipment that is at the property. It's a one-story building. I was going to build this building by the riffle bench if I can't build it here by the electric. Jay Mendels – Will this building have electricity? Mr. Garigliano – Yes, it's easier to run electric to the building where I'm asking the variance for.

PUBLIC COMMENT:

Brud Decker, Hiram Jones Hunting Camp – We looked at the location and it's the best location for Hiram Jones and Mr. Garigliano. The law is you can't discharge a firearm within 500 feet of the building? He will give us permission to be able to discharge a firearm at 300 feet. If he puts the building in the other location it will not be good for us. Mr. Garigliano – For the record I'm not doing this to help them out. Jay Mendels – If you give permission and you sell the land will the permission go with the property? Mr. Garigliano – No, and I'm not going anywhere and don't plan on selling.

Chairman Richard McClernon – When you went over the 400 sq. feet did you go to the building dept? Mr. Garigliano – No, I got a denial.

PUBLIC COMMENT CLOSE:

A motion to close the Public Hearing was made by Jay Mendels and seconded by Barbara Strong
4 in favor; 0 opposed

AREA VARIANCE CRITERIA:

(1) Whether benefit can be achieved by other means feasible to applicant; Jay Mendels – There is plenty of land. Voted Yes. Chairman Richard McClernon, Richard Benson and Barbara Strong 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 hunting fishing cabin was made by Jay Mendels and seconded by Richard Benson

4 in favor; 0 opposed

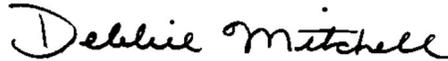
A motion to approve the barn was made by Richard Benson and seconded by Jay Mendels

4 in favor; 0 opposed

A motion to close the meeting at 8:12 pm was made by Jay Mendels and seconded by Richard Benson

5 In favor; 0 opposed

Respectfully submitted,



Debbie Mitchell

Secretary

Town of Thompson Zoning Board of Appeals