

APPROVED

TOWN OF THOMPSON
ZONING BOARD OF APPEALS
Tuesday, April 28, 2020

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

Absent Robert Hoose

Chairman McClernon called the meeting to order at 7:34 p.m.

A motion to approve the March 10, 2020 minutes was made by Barbara Strong and seconded by Richard Benson
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 23' (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 – We left off at the last meeting with the height requirement and the metal roof. I want to retract the metal roof and go with asphalt roof instead. In regards to the height of the garage, I would like to go with the 23 feet.

Jay Mendels – Can you refresh my memory as to why it needs to be so tall? Mr. Schloicka – I need a 10-foot door to get the boat in and I need room so I can work on the boat when inside. Also, I have an upstairs for storage it was going to be 8 foot but I dropped that down to 7 feet. Twenty-three would be perfect for me.

Barbara Strong – What was the highest you have allowed Chairman Richard McClernon? Chairman Richard McClernon - Twenty-two feet was the highest that I could find.

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

Chairman Richard McClernon – Is everyone ok with doing the variances one by one? Everyone agreed to do the variances one at a time.

AREA VARIANCE CRITERIA for (1) Garage height from required 16' to proposed 23':

- (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; Jay Mendels, Richard Benson, Barbara Strong vote No. Chairman Richard McClernon voted Yes, because the roof is so high.
- (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, Jay Mendels and Richard Benson both felt this would be ok since the neighbor said he did not have an issue with the height of the garage.

A motion to approve the garage height from required 16' to proposed 23' was made by Barbara Strong and seconded by Jay Mendels
4 in favor; 0 opposed

AREA VARIANCE CRITERIA (2) Garage setback from all property lines (side) from required 25.0' to proposed 4.0':

- (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; Jay Mendels voted No, with the understanding that the neighbor had no problem with it. Richard Benson and Barbara Strong also voted No. Chairman Richard McClernon voted Yes, because of the size of garage and because the setback requirement is substantial.
- (3) Whether request is substantial; All voted Yes
- (4) Whether request will have adverse physical or environmental effects; All voted
- (5) Whether alleged difficulty is self-created; All voted Yes

AREA VARIANCE CRITERIA (3) Garage setback from all property lines (Rear) required 25.0' to proposed 20.0':

- (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 No
- (4) Whether request will have adverse physical or environmental effects; All voted No
- (5) Whether alleged difficulty is self-created; All voted Yes

AREA VARIANCE CRITERIA (4) Accessory building setback from main structure from required 10.0' to proposed 7.0':

- (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

AREA VARIANCE CRITERIA (6) Garage door height from required 8.0' to proposed 10.0':

- (1) Whether benefit can be achieved by other means feasible to applicant; Jay Mendels, Richard Benson and Barbara Strong all voted No. Chairman Richard McClernon voted Yes, he could always make it smaller
- (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 requested variance 1, 2, 3, 4 and 6 with the condition that the roof (variance 5) be asphalt was made by Jay Mendels and seconded by Richard Benson
3 in favor; 1 opposed

Jay Mendels, Barbara Strong and Richard Benson in favor
Chairman Richard McClernon opposed, because 3 of the 4 sides don't meet the Town's setbacks.

REBECCA KELLY

Applicant is requesting an Area Variance from §250-16A and §250-9 of the Town of Thompson Zoning Code for the following purpose: (1) Accessory building closer than 10' to the main building; requesting 6' (2) Front yard setback from 50' to proposed 20' (3) Percent of lot coverage increase from 10% to 14.46%

Property is located at 2 Decker Drive, Rock Hill, NY S/B/L: 66.-5-2 in the RR2 Zone
David Weiboldt, Architect
Rebecca Kelly, applicant

A Satisfactory proof of mailing was provided to the Board.

Mr. Weiboldt – There are 3 variances', one is for a setback from the main building to the accessory building. The accessory building is a 10' X 12' shed. The shed is 10 feet off the property line as required. And there is 6.8 feet from the building to the corner of the shed. We cannot move the shed to the back of the property because it would be on the septic system and we can't go forward we would be too close to the road.

Paula Kay – It looks like Wolf Lake still has some issues. Ms. Kelly – They didn't actually see that I gave them the permits for the tree's and were the septic and well is. They actual found that info after they sent the two letters in. As far as the drainage Mr. Weiboldt sent them a letter and it will be better now. I talked to Wolf Lake about the septic they said to have the septic done and then the inspector will come at look at it. So , I'm just waiting for their go ahead.

Paula Kay – Number two in the April 14th letter talks about the replacement of the 4' x 8' existing slab on grad with a new 6' x 10' slap with a railing that appears to encroach on the 20-foot setback. Mr. Weiboldt – That is on the opposite side of the building, not where the accessory building is that we are currently talking about. Paula Kay – Jim Carnell does your office have any issues? Jim Carnell – No, I don't know what they are talking about, because the 10' x 6' concrete landing is 15.6 feet away from the right of way. Mr. Weiboldt – The first issue was the shed and Wolf Lakes concern is with the patio and I don't see how they are related. Ms. Kelly – I wanted a safe porch to get into the house and make it look like a home. Paula Kay – I don't know why they think it encroaches on the setback. Jim Carnell – I was confused myself. Nothing that was submitted to us showed there was any kind of encroachment. Mr. Weiboldt – Wolf Lake feels that if it's a concrete patio that it's part of the encroachment. Paula Kay – I don't think we will have an issue, you will have to work it out with Wolf Lake. Jim Carnell – Is there a roof, or just a concrete slap with a step? Mr. Weiboldt – There is a roof that goes off the side of the building but it doesn't cover the whole thing. It's about 3 feet off the building. Jim Carnell – If it is less than 2 feet then you can still be in compliance. Mr. Weiboldt – The roof is about a 3 feet over hang, but it is with in 2 feet of the setback. Ms. Kelly – I don't know if they have an issue. I will work with Wolf Lake. I call it a porch since it has a step to get into the house. I want to make it safe and look nice. Chairman Richard McClernon – That slap is not on the application and it's less than the 20 feet setback. Paula Kay – This is not our issue. Chairman Richard McClernon -What if they put a railing around it? Jim Carnell – If you put a railing on it then it will have to meet the setback requirement. Anything less then 12 inch off the ground will be considered a walkway. If the overhang only comes out 2 feet that too is

exempt to our setback. But if you extend it more than 2 feet then that needs to be incorporated into the request for the variance. Ms. Kelly – What do you suggest I do with the overhang? I want something that won't be dangerous with the ice? Paula Kay – If your going to make the changes you might want to put the changes on the site plan and we will have to keep the Hearing open and then you can make your changes. Chairman Richard McClernon – If she does extend the overhang, does she need to re-notice? Paula Kay – Yes. Mr. Weiboldt - Isn't this also one of the variances we are asking for, the front yard setback? This is considered a corner lot. Jim Carnell – If you go greater than 2 feet you would have to re-notice. We noticed it for 20 feet, if it is just a 2-foot overhang then they are ok.

Ms. Kelly – Let's leave the railing off. Jim Carnell – The May meeting has already been passed. So, you won't get on until the June meeting.

Jim Carnell – My suggestion is the square footing of the box will not change. They are here for the front yard setback and accessory. I don't have an issue with them. And the percentage of the lot. I would approve all the variance for tonight and then require them to come back if they want to make the roof larger and put in railings. Chairman Richard McClernon – Then they would have to start the ZBA process again just for the porch!

Chairman Richard McClernon – The existing setback that is going to be removed is about 20 feet? Mr. Weiboldt – Yes. Chairman Richard McClernon – The new addition is the same as the existing building? Mr. Weiboldt – The angle of the addition makes it a little closer.

Richard Benson – The existing lot coverage is 13.4% and going to 14.46%? Mr. Weiboldt – Correct.

PUBLIC COMMENT:

No Public Comment

PUBLIC COMMENT CLOSE:

A motion to close the public hearing was made by Chairman Richard McClernon and seconded by Jay Mendels

4 in favor; 0 opposed

Jay Mendels – I think there was something stated wrong before. Percent lot coverage is what? I think the 13.4% is the proposal, then add in the shed it brings it to 14.46%. What is the current lot coverage? Trev Miller – The proposal says 14.46%. Jay Mendels – The only info I have here has to do with lot coverage. Mr. Weiboldt – I don't have the original lot coverage either. Jay Mendels – We are not going from lot coverage 13.4% to 14.46%. We might be going from 9% to 14.46%. Paula Kay – Do we have a lot coverage issue? Jim Carnell – We only know what the proposed is. The request is from what is permitted to what is proposed. Jay Mendels – I just want to clarify. We are assuming that it was 10% and going to 14.46%

AREA VARIANCE CRITERIA:

- (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; Jay Mendels voted Yes, Richard Benson voted No, based on the lots in the area are normally so small. Barbara Strong voted No and Chairman Richard McClernon voted No, the 20-foot request is basically the same as the existing building.
- (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 3 variances was made by Richard Benson a seconded by Barbara Strong
4 in favor; 0 opposed

ROBERT WELSCH

Applicant is requesting an Area Variance from §250-9 of the Town of Thompson Zoning Code for the following purpose: (1) Combined side yard setbacks from 50' to proposed 40' (2) One side yard setback from 20' to 14'.

Property is located at 56 Dingle Daisy Rd, Monticello, NY S/B/L: 59.-1-17 in the RR2 Zone.

A Satisfactory proof of mailing was provided to the Board.

Mr. Welsch- I'm rebuilding because I had a fire. My garage and breezeway burnt and I had some extensive damage done to my house. I plan on extending my kitchen about 12 feet and putting the garage where it was but extend it by 6 feet making it closer to the Richard Conklin's property line. This extra 6 feet will bring me 14 feet from the property line instead of 20 feet. Jay Mendels - In case Mr. Conklin was not able to get on tonight, what is his view on all of this? Mr. Welsch – I have talked to all my neighbors who live nearby and they don't have any issue with this. Jay Mendels – Instead of a house, breezeway and a separate garage they are going to be all together now? Mr. Welsch – Yes, the roof line will match and it will be like a L. Last time the roof line was staggered but it will now be straight across. Jay Mendels – Sound like it will be an improvement to the property? Mr. Welsch – Yes.

PUBLIC COMMENT:

No public comment

PUBLIC COMMENT CLOSE:

A motion to close public hearing 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; Jay Mendels voted Yes. Barbara Strong, Richard Benson and Chairman Richard McClernon voted No

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

(3) Whether request is substantial; All voted No

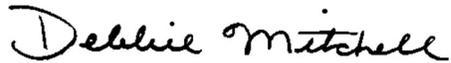
(4) Whether request will have adverse physical or environmental effects; All voted No

(5) Whether alleged difficulty is self-created; Jay Mendels, Barbara Strong, Richard Benson voted Yes. Chairman Richard McClernon voted No, because the fire created it.

A motion to approve all 3 variances was made by Jay Mendels and seconded by Richard Benson
4 in favor; 0 opposed

A motion to close the meeting at 8:42 pm was made by Jay Mendels and seconded by Richard Benson
4 In favor; 0 opposed

Respectfully submitted,

A handwritten signature in black ink that reads "Debbie Mitchell". The signature is written in a cursive, flowing style.

Debbie Mitchell
Secretary
Town of Thompson Zoning Board of Appeals