

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

APPROVED

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

Trev Miller and Barbara Strong are absent.

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

Chairman Richard McClernon appoints Sean Walker as a voting member to replace Barbara Strong

A motion to approve the October 13, 2020 minutes was made by Jay Mendels and seconded by Richard Benson
4 in favor, 0 opposed

A motion to take the meeting out of order was made by Jay Mendels and seconded by Richard Benson
4 in favor; 0 opposed

APPLICANT JAMES OWEN

Applicant is requesting an Area Variance from §250-9 of the Town of Thompson Zoning Code for the following purpose 1) Garage height from required 16' to proposed 20' (2) Percentage of lot coverage from required 10% to proposed 14% (3) Garage setback from property line from required 25' to proposed 20'

Property is located at 164 South Shore Drive, Rock Hill, NY S/B/L 66.-37-5

A Satisfactory proof of mailing was provided to the Board.

Mr. Owen didn't show up.

APPLICANT JOSEPH SICARI

Applicant is requesting an Area Variance from §250-8 & §250-21B (4) of the Town of Thompson Zoning Code for the following purpose (1) Front yard setback from required 50' to proposed 30'.5" (existing house) (2) One side yard from required proposed 5'.3" (existing house) (3) One side yard from required 20' to proposed 12'.9" (existing house) (4) Combined side yard setbacks from required 50' to proposed 18'.2" (existing house) (5) Percent of Lot Coverage from required 10% to proposed 33.8% (6) increasing a Nonconforming n/a.

Property is located at 22 Little North Shore Rd, Rock Hill, NY S/B/L: 36.-9-3
Tim Gottlieb, Engineer
Kelly Sicari - Applicant

A Satisfactory proof of mailing was provided to the Board.

Mr. Gottlieb – This is an addition to an existing resident to add a garage. There will be two bedroom and an office above the garage and will reconfigure the house. We need some variances and some are for the existing house. One of the variances is to increase the lot coverage from 23.6% to 33.8%.

Chairman Richard McClernon – What is the PVC pipe to the right of the addition? Mr. Gottlieb – It is for the sewer maybe! Chairman Richard McClernon – Does the sewer have a distance from the lot line? Jim Carnell – Ten feet. Chairman Richard McClernon – I don't think that's going to be 10 feet? Jim Carnell – That's from current standards. Is this proposed? Chairman Richard McClernon – The septic is existing but the addition will be close. Jim Carnell – I thought you meant from the property line. Richard Benson – Where is the sewer? Mr. Gottlieb – I don't know, but it's not under the addition. Ms. Sicari - That PVC is from a dry well that is going away. The actual septic is on the right-hand side of the house. It's about ½ way between the back of the house and the front. Mr. Gottlieb – It will not be affected.

Paula Kay – Do you have a letter from Wanaksink Lake Homeowners Association? Mr. Gottlieb – Yes, I can send it to you. I thought you had it already. Paula Kay – Can you read it to us? Mr. Gottlieb reads the letter dated October 9, 2020 and it says, that the Wanaksink Lake Homeowners Association approves the application.

Jay Mendels – The garage will have a bedroom and office? Mr. Gottlieb – The two bedrooms are being removed from ground floor and put up above the garage with an office. Jay Mendels – You are removing bedroom from the existing house and are you changing the footprint of the house? Mr. Gottlieb – No, there are three bedrooms in the existing house.

Jay Mendels – The house is currently two stories? Chairman Richard McClernon – A story and a half. Jay Mendels – Will the addition follow the existing roof line? Mr. Gottlieb – It will be above it. Jay Mendels – Will the garage block the view of the house? Mr. Gottlieb – Yes, you will see the garage and the rooms above first when you pull up.

Jay Mendels – My concern is that you are looking for a 34% lot coverage. I find it hard to justify that kind of increase. Mr. Gottlieb - They own the property next door and want to purchase this lot with the house.

Jay Mendels – What is the square footage of the existing house? Mr. Gottlieb – 1,750 square feet. Chairman Richard McClernon – It's going to be used as a summer home? Ms. Sicari – Yes, strictly for a summer home.

PUBLIC COMMENT:

No Public Comment

PUBLIC COMMENT CLOSE:

A motion to close the public hearing was made by Richard Benson and seconded by Sean Walker
4 in favor; 0 opposed

Jay Mendels – Will the garage and the house look the same when done? Mr. Gottlieb – Yes.

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; Richard Benson and Sean Walker voted No. Chairman Richard McClernon Voted Yes, because the property next door is small.
Jay Mendels – No, it's keeping in character that is already there.

(3) Whether request is substantial; All voted Yes. Jay Mendels – Based on our Zoning requirements, 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 existing house variances was made by Richard Benson and seconded by Jay Mendels
4 in favor; 0 opposed

A motion to approve the percentage of lot coverage was made by Richard Benson and seconded by Sean Walker
3 in favor; 1 opposed Chairman Richard McClernon – I don't see the need for 33.8% lot coverage.
Jay Mendels – I will approve since it is keeping in character, there are separate rules because of these nonconforming lots. We approve it because everyone else has it because of the small lots. Even though it is excessive I say we should approve it.

APPLICANT PAUL PRIEST

Applicant is requesting an Area Variance from §250-8 & §250-16B of the Town of Thompson Zoning Code for the following purpose (1) Combined side yard setback from required 50' to proposed 20' (2) Percent of Lot Coverage from required 10% to proposed 10.5% (3) Accessory building closer to the road than the main building n/a.

Property is located at 7 East Shore Rd, Rock Hill, NY S/B/L: 38.-9-1-2
Paul Priest, Applicant

A Satisfactory proof of mailing was provided to the Board.

Mr. Priest – The combined yard setback is actually 20' on each side making the combine setback 40'.
Chairman Richard McClernon – It's actually 2 front yards so you have a 20' rear yard, 20' side yard. That is why it's 20'. Paula Kay – You wouldn't want to change that tonight, otherwise you wouldn't be able to present tonight. Mr. Priest – I was wrong.

Mr. Priest – We are looking to have a 30' X 32' garage with a driveway access to Wild Turnpike Road. 50-foot driveway with 20' on each side to the property lines. There will be no water to the building.
Chairman Richard McClernon – We do have the Wanaksink Lake Homeowners Association approval too.

Jay Mendels – The old garage isn't being removed it's just a sperate building? Mr. Priest – Correct. I have to change the overhead door to make it a shed. It's very small and it's more like a shed.

Chairman Richard McClernon - What is the height of the garage? Mr. Priest – Twelve feet.

PUBLIC COMMENT:

Walter Jacobson – I own the property adjacent to this property. It's going to be 20' on each side not 10'? Chairman Richard McClernon – Yes, it's going to be 20' on each side. Mr. Jacobson – 30' wide and 32' deep? Chairman Richard McClernon – Yes. Mr. Jacobson – How many structures can be put on a lot? Chairman Richard McClernon – There is no specific number, you can't have two houses but can have a few sheds.

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

AREA VARIANCE CRITERIA:

- (1) Whether benefit can be achieved by other means feasible to applicant; All voted No. Jay Mendels – The road is on both sides, he has no choice.
- (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 Richard Benson and Sean Walker Voted Yes.
Jay Mendels – No, there are two roads there they have no choice. Chairman Richard McClernon Voted No.

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

APPLICANT PAUL ORSINI

Applicant is requesting an Area Variance from §250-7 & §250-21B (4) of the Town of Thompson Zoning Code for the following purpose (1) One side yard setback from required 20' to proposed 8'.7" (2) Increasing a nonconforming structure n/a

Property is located at 408 Dingle Daisy Road, Monticello, NY S/B/L: 56.-1-41
Paul Orsini, Applicant

A Satisfactory proof of mailing was provided to the Board.

Mr. Orsini – I put in a whole new driveway and in doing so I took out a set of stairs. I want to put in a landing/deck to my entrance. It will be 6' X 7'. I realize the setback is 20', however the building structure is 8.7 feet from the right setback. If I put a landing there it will be flush with the building. I included a letter from my neighbor saying it was ok. There used to be a landing there 20 years ago I took it down and put in the steps and after putting in the driveway I took out the steps and I'm ready for a new landing.

PUBLIC COMMENT:

Chairman Richard McClernon reads a letter from the neighbor Mr. & Mrs. Clark and they have no issue with this project.

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; 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 variances was made by Richard Benson and seconded by Jay Mendels
4 in favor; 0 opposed

APPLICANT ANTHONY FUSCO

Applicant is requesting an Area Variance from §250-9 & §250-21B (4) of the Town of Thompson Zoning Code for the following purpose (1) Increasing nonconforming structure N/A (2) Percent of lot coverage from required 10% to proposed 15.8%

Property is located at 26 Hughes Ln, Rock Hill, NY S/B/L: 66.-28-2
Anthony Fusco, Applicant

A Satisfactory proof of mailing was provided to the Board.

Mr. Fusco – I bought this property in 1992. My lot is less than ½ acre. I want to replace and extend the deck. And want to expand the garage from 494 square feet to 700 square feet. I appear before the Wolf Lake Board and they approved the application. I’m asking for approval on the lot coverage. The Wolf Lake asked we remove the walk ways in order for us to build the garage extension and deck. The side line set back will stay the same.

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; All voted No. Jay Mendels – It’s a reduction and the fact he was willing to work with the Homeowner’s Association is a plus.
- (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 variances was made by Richard Benson and seconded by Jay Mendels
4 in favor; 0 opposed

APPLICANT RICHARD MCGOEY

Applicant is requesting an Area Variance from §250-9 of the Town of Thompson Zoning Code for the following purpose (1) Nonconforming lot or record (lot #1) from required 40,000 sq. feet to proposed 24,699 sq. feet (2) Nonconforming lots of record (lot #2) from required 40,000 sq. feet to proposed 23,239 sq. feet (3) Front Yard setback – (lot #1) from required 50’ to proposed 5’ (4) Front yard setback (Lot #2) from required 50’ to proposed 5’ (5) Lot depth (Lot #1) from required 300’ to proposed 149’.7” (6) Lot depth (Lot #2) from required 300’ to proposed 149’.98”

Property is located at Lake Shore Dr, Monticello, NY S/B/L: 41.-1-2-21
Richard McGoe, applicant

A Satisfactory proof of mailing was provided to the Board.

Richard McGoey – I have a lot across the street from my existing house and want to subdivide it into two lots. They will be undersized in regards to the zoning but not undersized with the respect to the neighborhood. Even after the subdivision they will be twice the size of most lots in this area. The setback from the road is a result from topography. I want to bring the house towards the front property line. The advantage is my property line is further back than most property lines. And that's because the road is not the center of the right away. The property is already 17 feet from the edge of the road and then add another 5'. The setback is to the deck not the house, the house is another 10' back. The depth of the lot is preexisting nonconforming. Jay Mendels – Was it at one time two lots that were joined? Richard McGoey – No.

Chairman Richard McClernon – Is there a way to turn the house sideways to get it away from the front property line? Richard McGoey - It would be a whole different look and it would not be a lake house with my windows I have proposed. Richard McGoey shows the board the design of the house. Jay Mendels – Is the back of the house dug into the hill? Richard McGoey – Yes. I can't go back any further.

Chairman Richard McClernon – You talked to your neighbors about your sewer and moving it back? Richard McGoey – Yes, I said I would move it back and farther from the neighbors.

Jay Mendels – How wide is the decks? Richard McGoey – The front one is 10' and the back deck is 12' or more. Jay Mendels – You can park the cars under the deck and will have a side drive way as well as one into the garage.

Chairman Richard McClernon – What is the septic system? Richard McGoey -There will be 1,000 septic tanks with a distribution box and then a leach field.

Jay Mendels – Was there ever a structure on this property? Richard McGoey No. Jim Carnell – Next to the property years ago someone was going to build a building and poured a slab down and that slab is still there today.

Jay Mendels – Do you plan on subdividing and selling it or subdivide and rent it? Richard McGoey - Subdivide and sell with the house on one and the other just leave as a lot. I'm more interested in the lot closest to my house.

Jay Mendels – Our concern is taking something that is close to our rules and making it total lacked with our rules. Chairman Richard McClernon – The lot now is 48,000 square feet.

Jay Mendels – Like I've said before Lake community should have different requirements. Paula Kay – We will bring that up in front of the Town Board.

Jay Mendels – Would you consider going forth with just one half of the project and not subdivide? Richard McGoey – I'm really not out of character and even after the subdivision these two lots will be bigger than any other lots in the area.

PUBLIC COMMENT:

Frank Nalevaiko – I’m ok with the project.

Al Labelson - We will go along with this project and just ask that the septic be moved back so It doesn’t affect us or Frank Nalevaiko. Chairman Richard McClernon - Richard McGoey said he will move the septic back.

Norm Labelson – I agree with Al Labelson. The only concern we had was with our wells and we want to make sure we have no issue with our wells. We are very appreciative that he will move the septic back.

PUBLIC COMMENT CLOSE:

A motion to close the public hearing was made by Richard Benson and seconded by Sean Walker
4 in favor; 0 opposed

AREA VARIANCE CRITERIA:

(1) Whether benefit can be achieved by other means feasible to applicant; Chairman Richard McClernon – Yes, without the lot split we might not need the variances. Jay Mendels – Yes, this is something that has to be split. Richard Benson – Yes. Sean Walker Yes.

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

(3) Whether request is substantial; All voted Yes Jay Mendels – Based on our requirement. Richard Benson – Based on the size of the lot but not by the size of the other lots.

(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 variances was made by Richard Benson and seconded by
No second

Richard McGoey – I would like to have the subdivision. If we take the house off the second lot and just leave the house on the first lot.

Jim Carnell – If they do approve the subdivision now and both lots could be built without a variance if they push the house back. Richard Benson – It’s a better project with the subdivision than any other lots in the area.

Paula Kay – On lot two no area variances. He is asking to agree to the subdivision and there will be no development on it. Jay Mendels – I’m not opposed to the project I’m opposed to the extent of the

variance we are being asked based on our requirement not the Lake requirements. That is why I wondered if you could go with the project and not do the subdivision.

Richard McGoey – So your saying leaves it all on one lot? Chairman Richard McClernon – Correct.

A motion to approve all of the variance on lot one and not subdividing the lot was made by Richard Benson and seconded by Sean Walker
4 in favor; 0 opposed

APPLICANT MARCO MOROCHO

Applicant is requesting an Area Variance from §250-9 & §250-16B of the Town of Thompson Zoning Code for the following purpose (1) Animal Housing from required 150' to proposed 83.3' (2) Accessory building closer to the road than the main building (3) Farm animals from required 2 farm animals o lots under 5 acres to proposed 50 (chickens)

Property is located at 30 Elliott Road, Thompsonville, NY S/B/L: 25.-1-38-26
Marco Morocho, Applicant
Steven Green, Land Surveyor

Chairman Richard McClernon – Can he move the chicken coup either behind or on the side of the garage? Mr. Green – The coop is in front of the garage and I'm sure he can move it. Chairman Richard McClernon – Are the chickens always in the pen? Mr. Green – Yes. Chairman Richard McClernon – How many chicken's does he have? Mr. Green - I would say about 30. Lots of chicks. Paula Kay – Our town code say's 25 chickens on 5 acers. Can he do the 25? Mr. Green – Yes. Chairman Richard McClernon - If he had 5 acres, he could have 50 chickens. If you could keep the coop 100 feet from the property line and no more than 25 chickens.

PUBLIC COMMENT:

Carl Chapin – I live next door. I oppose the increase to the animals. There is multiple noise, from the roosters and chickens. We bought this property thinking it would be quite and it's not with all the chickens in the neighborhood. I feel that if this is approved then my property value will go down. Chairman Richard McClernon – You said chickens in the neighborhood are there more? Mr. Chapin – Yes, on the other side of me they have them too. But Mr. Morocho's property is closer. And this summer, it was very noise and I actually called to complain. Mr. Morocho's – He complains about everything. I gave away two roosters. I right now have two roosters and only need one. Jay Mendels – If the coop was behind the garage would that be better? Mr. Chapin – That would be better. Chairman Richard McClernon – And only 25 chickens including 1 rooster. Mr. Chapin – The only issue I have is the noise issue. That is the only issue I have. I don't care how many roosters he has as long as I don't hear them.

Paula Kay – The reason he is here is for the variances for the coop and the number of chickens, the noise ordinance can't be addressed here, it's not a Zoning issue. Chairman Richard McClernon – Is 25 chickens with no rooster and behind the garage ok? Mr. Chapin – As long as I don't hear them. Paula Kay –

Twenty-Five chickens is for 5 acres and they don't have 5 acres. Chairman Richard McClernon – How about 15 chickens, no roosters and coop being moved? Mr. Morocho's – That works. Mr. Chapin – That works.

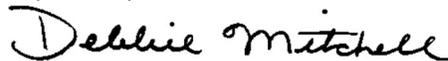
Paula Kay – How long will it take you to move the coop and reduce the population? Mr. Morocho's – Three weeks. Paula Kay – Let's hold this open to make sure it's all done before we approve it.

A motion to hold the meeting open and public hearing until the December 8, 2020 meeting was made by Richard Benson and seconded by Sean Walker
4 in favor; 0 opposed

Paula Kay – I called Mr. Owen and he did not answer so I left a message letting him know how to call in and he has not. So, he will have to resubmit his application.

A motion to close the meeting at 8:47 pm was made by Jay Mendels and seconded by Sean Walker
5 In favor; 0 opposed

Respectfully submitted,



Debbie Mitchell
Secretary
Town of Thompson Zoning Board of Appeals