

TOWN OF THOMPSON  
ZONING BOARD OF APPEALS  
Tuesday, March 9, 2021



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

Absent: Richard Benson

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

A motion to approve the February 9, 2021 minutes was made by Jay Mendels and seconded by Sean Walker  
4 in favor, 0 opposed

**APPLICANT ALAN WIEDER**

Applicant is requesting an Area Variance from §250-7 & §250-21C(1) & §250-21B(4) of the Town of Thompson Zoning Code for the following purpose (1) Front yard setback from required 40' to existing 29' (2) Increasing a nonconforming used N/A (3) Rear yard setback from required 40' to proposed 14.8' (4) Percentage of lot coverage from required 20% to proposed 20.4%.

Property is located at 13 Avon Street, Rock Hill, NY S/B/L: 52.H-1-2 in the SR zone with central water/sewer  
Alan Wieder, applicant

Mr. Wieder – We purchased this house in July 2019 and a lot of the items you listed is how the house was purchased. We have a deck that does not have a staircase down to the back yard right now. We want to enclose part of the deck which was approved. We would like to extend it by 18 feet along the back side of the house. It will not go into the setback. We would like to extend, enclose and add a set of stairs. When we bought the house, we were already over lot coverage. Since we are enclosing part of the deck, we would like to extend it so we can sit outside and BBQ and also be able to access the back yard from the deck via the staircase. Chairman Richard McClernon – Have you talked to Emerald Green? Mr. Wieder – Yes, they had no issue as long as you approve it. Jay Mendels – We should get a copy of the letter. Mr. Wieder – Mr. Hoyts said he would send it to the Building Department for me but I can get a copy of the letter and send it myself. Chairman Richard McClernon – Yes, please submit it to the Town Hall.

PUBLIC COMMENT:

No Public Hearing

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; 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's subject to the receiving of the letter from Emerald Green Homeowners Association was made by Jay Mendels and seconded by Sean Walker  
4 in favor; 0 opposed

**APPLICANT ALEJANDRO PABON & TERESA PIETANA**

Applicant is requesting an Area Variance from §250-10 & §250-21b(4) of the Town of Thompson Zoning Code for the following purpose (1) Front yard setback from required 50' to existing 4.9' (2) Increasing a nonconforming used N/A (3) One side yard setback from required 20' to proposed 2' (4) Percentage of lot coverage from required 20% to proposed 20.4% (5) Combined side yard setback from required 50' to proposed 22'

Property is located at 72 Pleasure Drive, Harris S/B/L :1.-1-55 in the HC1 zone.  
Ariel Pabon, Applicant

Ariel Pabon – We purchased the home in 2001 and this is how we purchased the home. We want to tear down the existing enclosed porch rebuild it with a foundation to make it part of the living space. Chairman Richard McClernon – Your dad said the front deck is going to be taken away and it will be replaced with a little platform and stairs. Mr. Pabon – That is correct, we plan on tearing down the front deck in addition to the back canopy area.

PUBLIC COMMENT:

No Public comment

PUBLIC COMMENT CLOSE:

A motion to close the Public Hearing was made by Barbara Strong 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; Sean Walker – No. Jay Mendels - No, it is substantial according to our code but, because of the shape of the area and existing condition, they are trying to maintain the existing lot coverage and not increase it. Chairman Richard McClernon – No, I agree with Jay Mendels It is substantial because of the code but everything is existing. Barbara Strong – 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 Jay Mendels and seconded by Sean Walker  
4 in favor; 0 opposed

**APPLICANT GARDEN HILL ESTATES, LLC**

Applicant is requesting an Area Variance from §250-34(0)(8) of the Town of Thompson Zoning Code for the following purpose (1) Bungalow foundation requirement from full frost protected foundation walls to proposed frost protected piers foundation.

This property is located at 50 Strong Road, Harris, NY S/B/L: 1.-1-12 in the RR1 zone.  
Joel Kohn, representative

Mr. Kohn - We were here about a year ago for the same variance for 7 other building that we received. They were originally denied because of the pier foundations. We are looking to request a zoning variance for this building as well. As we discussed at the last meeting the code can be over written by the state because it's more stringent than the Building Code so, the Board agreed to give us the variance as long as we use vinyl skirting that will look like stone and we will do that for this building as well.

**PUBLIC COMMENT:**

Rich Gordon, 51 Strong Road – I did speak to Mr. Kohn earlier this week because I knew I was getting a notice. I understand this is replacing an existing unit with a new unit. Mr. Kohn – Correct. Mr. Gordon - I understand that this is replacement but the replacements that you have allowed are twice the size of the buildings that were there. My concern is, they say 2 bedroom and the septic is designed on the number of bedrooms but we don't know how many people will be living in this unit. I am concern that the septic system is going to be over taxed and I'm going to be the one who will be suffering. We had this issue years ago. Jay Mendels – We can't address that tonight. Mr. Gordon – I am trying to make

friends with my neighbors and Mr. Kohn knows this. I'm just concerned about the septic system having issues. Paula Kay – The Board does understand, the applicant is here for final approval on this unit and another addition. There has been some concession to allow Mr. Gordon to be aware of what is going on. The applicant has to give Mr. Gordon and the Town a phone number to call in case any issues may arise. What is at question here is the foundation on piers and the not whether it can be replaced. Mr. Gordon – I never got any info on the additions. Mr. Kohn - This was approved back in 2016 for 10 to 15 additions. Somewhere done but other were not. Mr. Gordon - And that is still valid today? Mr. Kohn – Yes. Mr. Gordon – They are building all these homes and what is the Town going to do when the septic fails? Chairman Richard McClernon – That is something the Planning Board will handle not the Zoning Board of Appeals (ZBA). Mr. Gordon – I have no objection to the piers.

**PUBLIC COMMENT CLOSE:**

A motion to close the Public Hearing was made by Barbara Strong 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; Sean Walker- No. Jay Mendels- Yes, could be on a full foundation. Chairman Richard McClernon - Yes, could be on a full foundation which might not be feasible. Barbara Strong - Yes.

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

(3) Whether request is substantial; Sean Walker – Yes. Jay Mendels – No, because we don't have the same restriction on other homes being build. Chairman Richard McClernon – No, the site code doesn't meet the state code requirements and singles out bungalow colonies at the present time due to the failure of a previous administration not giving an approval of it. Barbara Strong – No.

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

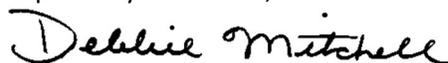
(5) Whether alleged difficulty is self-created; All voted Yes

A motion for negative declaration motion under SEQRA was made by Jay Mendels and seconded by Sean Walker  
4 in favor; 0 opposed

A motion to approve the requested frost protected piers foundation with the understanding they put the vinal siding down to the ground was made by Jay Mendels and seconded by Sean Walker  
4 in favor; 0 opposed

A motion to close the meeting at 7:28 pm was made by Sean Walker and seconded by Jay Mendels  
5 In favor; 0 opposed

Respectfully submitted,



Debbie Mitchell  
Secretary  
Town of Thompson Zoning Board of Appeals