

Rock Hill, NY
S/B/L: 52.A-1-33

Applicant is requesting an Area Variance from §250-7, 21C(1), & 21B(4) of the Town of Thompson Zoning Code for (1) Front yard setback with reduction from required 30' to proposed 9.6' (2) Increasing a non-conforming – which is not permitted (3) Percent of lot coverage with W/S from required 20% to proposed 24%. Property is located at 42 Timber Point Road, Rock Hill, NY. S/B/L: 52.A-1-33. In the Zone: SR with central W/S

Chairman McClernon read the legal notice aloud.

Proof of mailings were received.

Tim Bracci - We are here tonight because we are looking to convert our 2-story home into just 1-story, as we are getting older and would like to eliminate the stairs. We are proposing to take off the top floor and expand the bottom floor.

Chairman McClernon – Are you going to demo and replace? Tim Bracci – No, we will keep the existing bottom floor and just add on to that. The red on the site plan is what we are proposing to add, which is a 2-car garage and a bedroom. Cindy Ruff – So, you will be completely removing the second floor and not keeping any of it for storage or something like that? Tim Bracci – Right, we want to remove the whole thing because we want everything to be on one level. Jay Mendels – It looks like you will be extending the bottom level in two different directions, right? Tim Bracci – Yes. It will be extending 5 feet this way and also extending here. This portion will be a garage, a bedroom, and a kitchen and this will be our new bedroom. Chairman Lara – As for the deck that you are asking for a variance for, will there be a door coming out? Tim Bracci – No. Jay Mendels – Where will the stairs to the deck be? Tim Bracci – There isn't any because it will all be 1-story. Jay Mendels – I mean the stairs to get down to the ground. Tim Bracci – I can put some here or wherever? Chairman McClernon – How far off the ground will the deck be? Tim Bracci – Roughly 8 feet. Chairman Mclernon – Okay. The stairs do not count when it comes to setbacks, but we were wondering if you could change the proposed deck to come out more this way. Jay Mendels – Our concern is that the existing deck is already close to the water and we would like if you didn't get any closer, so maybe you can expand it more this way. Tim Bracci – That's not a problem. But we can keep the width of the existing deck, right? Jay Mendels – Right. Tim Bracci – I'm fine with that. Should we just leave the deck the way it is now? Jay Mendels – You can expand it, just no closer to the water than it is now. Tim Bracci – Okay. Chairman McClernon – And it was just the deck that was encroaching in the setback, not any of the additions to the house, so I think we are good there as long as you don't go any closer to the water. The other variances are for lot coverage and increasing a non-conforming, which we see that a lot in these lake community because the lots are small and are usually are okay with. You can't make land and I don't feel 4% is a big ask. Jay Mendels – Right and everything in these communities are non-conforming.

No further questions or comments from the Board, so the meeting was opened up to the public.

Steve Schlansky, property owner of 36 Timber Point Road – Wanted to know exactly what was being proposed and how much closer, if any, the applicants house would get to the shared property line.

Chairman McClernon advised that it was previously 38 feet from the property line and is now proposed to be 15 feet away, which meets town code. Eric Horton added that all information in regards to this application could be found on the Town of Thompson's website if he wanted to take a better look. Jay Mendels mentioned that the additions to the house are within the setbacks and therefore are not part of the review tonight. Additionally, Cindy Ruff pointed out that Mr. Schlansky has a shed on his property that is only 8 feet from the same property line in question. Steve Schlansky concluded that he did not have an issue with what was being proposed as the addition closest to the shared property line was within the town's code and regulations.

Gretchen Robinson, property owner of 41 & 45 Timber Point Road – Also appeared to night to find out how far the applicant's house will now be from the property line they share with 41 Tiber Point Road (opposite the line shared with Steve Schlansky). Chairman McClernon advised that the house is proposed to be 5 feet closer than it is now and Jay Mendels explained that this addition is also not in front of them for review tonight as it does not require a variance. Gretchen was okay with the variances being requested.

No further questions or comment from the public.

A motion to close the public hearing was made by Jay Mendels and second by Sean Walker. All in favor, 0 opposed.

- (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 second and third variances as requested and granted approval of the first variance requested only if it is changed to not exceed the current setback of the existing deck (cannot be any closer to water than they currently are) was made by Jay Mendels and second by John Kelly. All in favor, 0 opposed

APPLICANT: SHMIEL LEFKOWITZ

28 Woodcliff Ave
Monticello, NY
S/B/L: 30.-2-3

Applicant is requesting an Area Variance from §250-7 & 21B(4) of the Town of Thompson Zoning Code for (1) Front yard setback with W/S from required 40' to proposed 31.9' (2) Increasing a non-conforming – which is not permitted. Property is located at 28 Woodcliff Ave, Monticello, NY. S/B/L: 30.-2-3. In the Zone: SR with central W/S

Chairman McClernon read legal notice aloud.

Proof of mailings were received.

Shmiel Lefkowitz – I am looking for approval for a 33.9' x 35' addition to my house and an 8' x 12' deck. The addition will be off the side of the house and flush with the front of the house.

Chairman McClernon – You have some violation for this, right? Shmiel Lefkowitz – The Building Dept. told me there are some things I need to take care of before I can get a permit. Chairman McClernon – Was the former garage turned into living area? Shmiel Lefkowitz – I was not aware that I was not allowed to do that, so I will change it. Chairman McClernon – Back to a garage? Shmiel Lefkowitz – When I bought it there were already lights and sheetrock in there. Chairman McClernon – Okay. That is for you and the Building Dept. to figure out anyway. Jay Mendels – Just so that I'm aware and fully understanding, what are the current violations and have any of them been addressed? Shmiel Lefkowitz – One violation was for the back deck. When I went into the building department, they told me I didn't need a permit if the deck was less than 12 inches off the ground, so I built it with 2 x 12's right on the ground. The ground is not level so some spots are higher. If I have to pull a permit for that, I will. Chairman McClernon – It looks like there are 3 steps going up to the deck, right? Shmiel Lefkowitz – Yes. Chairman McClernon – And each step is usually about 6 inches apart, so that should be at least 18 inches right there, which I believe requires a permit. Eric Horton – Yes. Anything over 12 inches for the entirety of the deck. From the ground to the walking surface of the deck. Jay Mendels – So, is the current deck within those parameters? Shmiel Lefkowitz – Some sides are a little more than 12 inches, so I will apply for a permit for that. Chairman McClernon – Wouldn't he then required footings? Shmiel Lefkowitz – I put footings. Eric Horton – Anything over 12 inches requires footings and that is something we would check. Chairman McClernon – So you will set something up with the building department so they can come out and take a look. Jay Mendels – What are the other violations? Shmiel Lefkowitz – The change of use for the garage. Jay Mendels – Do you currently have a tenant in there? Shmiel Lefkowitz – No, it is empty. I only use it for guests, like when my mom comes. Chairman McClernon – With a permit you may be able to keep it that way. As long as it can meet code. Shmiel Lefkowitz – I was told I could try and ask permission from this Board. Chairman McClernon – We can't approve that, but once you are done with us, you can take that up with the building department. Now, what about the chicken and goat pens in the back? Shmiel Lefkowitz – I currently have 5 ducks. Jay Mendels – Is that allowed? Eric Horton – I think you are only allowed 2 farm animals in the SR zone, but I would have to verify that. Shmiel Lefkowitz – They will be gone in 2 or 3 weeks, so you don't have to worry about that. Jay Mendels – Other than those 3 things, is there anything else that needs to be address or that we should be aware of? Shmiel Lefkowitz – Not to my understanding. Eric Horton – I think we have covered everything.

Jay Mendels – So, the 31.9' meets the exiting building? Chairman McClernon- Right. Jay Mendels – And you want to keep the addition at the same setback as the house? Chairman McClernon – In line with the existing structure. Jay Mendels – Will you be able to tell there is an addition? In other words, will it look like another building is pushed up against the existing building or will you redo the front so it looks like all one building? Shmiel Lefkowitz – I believe the building plans show that. Did you not get them? Eric Horton – The building plans are not on the Drive, only the site plan, but I have the physical folder with me and they are in here. Jay Mendels – It looks like these only show the addition. Eric Horton – Right, so I don't know if they will show the existing house. Shmiel Lefkowitz – It will all look like one house with the same siding across the whole thing. Chairman McClernon – Is the addition also 2 stories? Shmiel

Lefkowitz – Yes. Jay Mendels – Do you have plans to continue the deck across the whole front, or are you leaving it like it is now? Shmiel Lefkowitz – I am going to leave it. Chairman McClernon – He would have to come back to us if he wants to do that because it would be in the setback. Jay Mendels – Will the addition be on a full foundation? Shmiel Lefkowitz – Yes. Cindy Ruff – is the existing house also on a full foundation? Shmiel Lefkowitz – Yes. An old one, but it is a full foundation. Cindy Ruff – Will there be an entrance into the new foundation? Shmiel Lefkowitz – Yes. It will be from the back of the house.

No further questions or comments from the Board, so the meeting was opened up to the public.

Zoraida Hernandez, residing at 43 Woodcliff Ave – Stated her only concern was with the animals and if they were going to get anymore because she is concerned about the smell. Chairman McClernon advised that the Town is going to look into how many animals are allowed and Jay Mendels added that the applicant stated the existing animals will be gone in a couple of weeks.

No further questions or comment from the public.

A motion to close the public hearing was made by Jay Mendels and second by John Kelly. All in favor, 0 opposed.

(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 requested variances, subject to all violations being addressed and any applicable certificates issued, was made by Jay Mendels and second by Darren Miller.

All in favor, 0 opposed.

APPLICANT: BETH O'BRIEN

132 Canal Road

Rock Hill, NY

S/B/L: 66.-17-8

Patrick Mickelson, project representative

Applicant is requesting an Area Variance from §250-9 of the Town of Thompson Zoning Code for (1) Rear yard setback (roadside) from required 50' to proposed 25' (2) One side yard setback from required 20' to proposed 18' (3) Combined side yard setback from required 50' to proposed 38' (4) Percent of lot coverage from required 10% to proposed 12.9%. Property is located at 132 Canal Road, Rock Hill, NY. S/B/L: 66.-17-8. In the Zone: RR-2

Chairman McClernon read legal notice aloud.

Proof of mailings were received.

Received HOA approval.

Patrick Mickelson – The homeowners are looking to demolish the existing house and shed and build a new house, along with a new septic system.

Chairman McClernon – Will the new house be constructed on a slab? Patrick Mickelson – No, it will be a crawl space and I have already spoken with the neighbors about the possibility of having to run a jackhammer and they all seemed okay with that. Chairman McClernon – I think one of the neighbors sent in correspondence stating the opposite, but we will get to that during the public portion of the meeting.

Jay Mendels – Will the new house be bigger? Patrick Mickelson – Yes. Chairman McClernon – The existing house is only a small bungalow.

Jay Mendels – Is this a bilco door right here? Patrick Mickelson – Yes. Jay Mendels – Shouldn't that be included as part of the setback? Eric Horton – We typically do not include the bilco door and those stairs when looking at the setbacks, kind of like porch or deck stairs. As long as they do not build an enclosure around/over it because we have had a situation where that happened and they had to come back in front of this Board. Jay Mendels – Understood.

No further questions or comments from the Board, so the meeting was opened up to the public.

The meeting was opened up to the public for comment, but there was no public for this project. However written comment was submitted prior to the meeting and Chairman McClernon read it aloud.

Robert and Kathleen Bogle, residing at 143 Canal Road -
https://drive.google.com/open?id=1Ax1LnL_EzFdi1OBQrUENN4ja-6X63MLc&usp=drive_fs

No further question or comment from the public.

A motion to close the public hearing was made by Jay Mendels and second by Sean Walker.
All in favor, 0 opposed.

- (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 requested variances was made by John Kelly and second by Jay Mendels.
All in favor, 0 opposed.

APPLICANT: MOHITKUMAR PATEL

Katrina Falls Road
Rock Hill, NY
S/B/L: 63.-1-22.2
Glenn Smith, project engineer

Applicant is requesting an Area Variance from §250-9 of the Town of Thompson Zoning Code for (1) Building height from required 30' to proposed 39'6". Property is located on Katrina Falls Road, Rock Hill, NY. S/B/L: 63.-1-22.2. In the Zone: RR-2

Chairman McClernon read legal notice aloud.

Proof of mailings were received.

Glenn Smith explained that he is here tonight on behalf of applicant who is seeking a height variance. The allowed height in this zone, the RR-1 zone, is 30' and they are proposing 39' 6". Stated that the house will sit far back off the road in a sparsely populated, rural area with scattered residences. Also explained that the reason for this height is a mixture between not being able to dig down for a basement, due to the hard rock in that area, so they want some attic space for storage and the applicant would like 10-foot ceilings on both the first and second floors.

The Board voiced their concern about the height being requested and that if they approve this request, they will be setting a precedence. Even though the house will sit far back off the road and the remaining property will stay wooded, there is always the possibility of future development and it may not also be as hidden. They felt that a line needs to be drawn and agreed upon a maximum height of 36'9".

No further questions or comments from the Board.

The meeting was opened up to the public for comment, but there was no public for this project.

A motion to close the public hearing was made by Jay Mendels and second by John Kelly.
All in favor, 0 opposed.

(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 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 deny the variance as requested, but approve a variance for a maximum height of 36'9" was made by Jay Mendels and second by Sean Walker.
All in favor, 0 opposed.

A motion to close the meeting was made by Jay Mendels and second by John Kelly.
All in favor, 0 opposed.

Respectfully submitted,

Laura Eppers
Secretary
Town of Thompson Zoning Board of Appeals