

Cindy Ruff – The front of the house faces the lake, right? Michael Ferrante – Yes and according to your code, that is the front and the roadside is the back.

No further questions or comments from the Board.

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

However, the Board did receive one written comment prior to the meeting opposing the applicant's request:

Written comment from Robert & Kathleen Bogle residing at 143 Canal Road:

https://drive.google.com/open?id=1TGuF_9KIoY3loiCDn2vMMMyGOO1ZOUUXq&usp=drive_fs

Chairman McClernon did not read the correspondence aloud, but explained that the written comment came from the neighbor across the street and approximately 3 doors down and that the applicant's house cannot be seen from theirs. Also, mentioned the house directly across the street from them is a much larger house, than the applicant's home, with a garage no less than 50 feet from the road.

A motion to close the public hearing was made by Cindy Ruff 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

Chairman McClernon – if we are ready to approve this, should we make it conditional on receiving the HOA approval. Jay Mendels – That letter is for the HOA to address other things then what we are considering and our only concern is the setback, so I'm in favor of just approving it. Paula Kay – There is no legal requirement that this Board take into account the HOA approval. However, you often do, but there is no requirement to do so and it sounds like the applicant has been waiting quite some time now. Chairman McClernon – I think they have to wait for the HOA approval before they can build anything anyways. Michael Ferrante – Right, we cannot build until they say we can.

A motion to approve the requested variance was made by Jay Mendels and second by Cindy Ruff. All in favor, 0 opposed.

APPLICANT: LAKEVIEW ESTATES LLC

358 Fraser Road

Kimesha Lake, NY

S/B/L: 10.-8-8.3

Yisroel Zelcer, project architect

David Landau, property owner

Applicant is requesting an Area Variance from §250-7, 21C(1), & 21B(4) of the Town of Thompson Zoning Code for (1) One side yard setback with W/S and 75% allowance from required 15' to proposed 4' (2) Combined side yard setback with W/S from required 40' to proposed 29' (3) Increasing a non-conforming – which is not permitted. Property is located at 358 Fraser Road, Kiamesha Lake, NY. S/B/L: 10.-8-8.3. In the Zone: SR with central W/S

Chairman McClernon read the legal notice aloud.

Proof of mailings were received.

Yisroel Zelcer – This property currently has two existing units and we are looking to demolish those and replace them with two larger units. Both of the current units are pre-existing, non-conforming. We are looking to shift the unit that sits closest to the back of the property up to bring it into full compliance with the setbacks. And the unit in the front will still have a corner that is encroaching into the side yard setback, but we will not be increasing the non-conformity that currently exists and is grandfathered in. The reason why we didn't want to rotate the buildings and place them in a way that both would fit within all the setback is because the front unit will block the view of Fraser Road from the back unit.

Chairman McClernon – Will the front unit block the view of the back unit that much? Yisroel Zelcer – The non-compliance is roughly 12 feet and once we bring the building in those 12 feet, it does block a substantial amount of the building behind it.

Cindy Ruff – So, both of the current units will be completely demolished and replaced? Chairman McClernon – Right and there used to be a third unit that was destroyed by fire a few years ago and has since been cleaned up. Cindy Ruff – Okay.

Chairman McClernon – Paula, is this grandfathered in? Paula Kay – Well, I was going to ask the applicant to explain to the Board what he meant when he referred to a portion of the front unit being grandfathered in. How long ago was the fire that destroyed the third unit? Jim Carnell – Actually the grandfather would be for the buildings that they are going to take down. So, if they were to replace these two buildings in the exact same footprint, they could have done so with just a building permit and would not have had to come to this Board. With that said, over the years there were a lot of additions and renovations done to the existing buildings and they wanted to just start fresh with them. This was discussed a little at the Planning Board and the main concern there was from our Water & Sewer Superintendent in regards to making sure each building had its own sewer lateral and keeping the front building over far enough for a second driveway to access the back building. Chairman McClernon – So, them decreasing the non-conformity with the second unit and changing the current footprint, voids their grandfathered rights. Jim Carnell – Right. Even though they are decreasing the non-conformity, they are changing the footprint and that is why they need a new variance.

Chairman McClernon – Personally, I would like to see both buildings moved within the setbacks. At this point there will be new foundations and new buildings, so why not make them fully compliant. Cindy Ruff – The site plan mentions removing the sidewalk in front of this unit here. I don't know if that means the whole side walk or just a portion of it, but if they just shifted that over a little, they could probably get that house in the setbacks as well. Yisroel Zelcer – If we shift the building, the building in the back

will only have a view of the building in front of it. Right now, how they are, both buildings will face the street and have a clear view. Chairman McClernon – We are talking about the building in the front. The one in the rear is fine. The one in the front is the problem and we would like you to move that to also comply with all of the setbacks. Cindy Ruff – And there is enough room there to do that. Yisroel Zelcer – Like I said before, if we move it over anymore, it will block the view of the rear building. Also, we are not asking to encroach further into the setback than what is currently existing, all of the enlargement will fall within the setbacks. Cindy Ruff – It's not really going to block that much of the view for the back building, just a little bit of it. Jim Carnell - About a third of the view; 13 feet. Jay Mendels – If they do what we are proposing, then the two buildings will not be lined up and they will be at an angle. Chairman McClernon – Right. Cindy Ruff – Is there an issue with them not being lined up? Jay Mendels – I think it looks better when they are. Cindy Ruff – They could shift them both and then they would still be in alignment. Jay Mendels – Jim, you mentioned this has been in front of the Planning Board and they were concerned about access to the buildings, is there a need for them to be offset, like they are proposing, to accommodate that access? Jim Carnell – I don't know if the site plan shows it, but the Planning Board wanted them to have only one entrance off of the road, that would split into the two separate driveways. John Kelly – Are they asking for at least a 15-foot entrance? Jim Carnell – It might have been 20 feet. Cindy Ruff – Will they be able to drive to each unit. Jay Mendels – It looks like there will just be a parking lot here. Is the property to the left also Mr. Landau's property? Jim Carnell – Yes. Paula Kay – So who is the owner being encroached upon? Jim Carnell – Family. Chairman McClernon – His daughter. Cindy Ruff – Well, that changes things for me a little bit and I'm assuming the daughter doesn't have an issue with this. Chairman McClernon – It would just be nice to see everything brought into compliance. Jim Carnell – That is part of the reason the Planning Board didn't want them to put back up all three units; to reduce the congestion and non-conformities. They originally came back to replace all three units, but was willing to work with us and opted to just replace two of the three buildings, with two larger units, to help reduce the non-conformities. Jay Mendels – To me it sounds like everyone worked together and compromised. The property is an awkward shape and I like the idea of them being in line. It doesn't look like they were put there haphazardly. Also, from a safety point of view, the back building will not be obstructed from the road this way. I don't have an issue with the way it is being proposed. Chairman McClernon – If they shift the front building back a little, closer to the back house, and angled them both a little bit, that may help and wouldn't obstruct the second building too much. Yisroel Zelcer – We were trying to keep them both straight. Cindy Ruff – So, that they would be at the same angle as the road? Yisroel Zelcer – That's correct and where our concept came from. Cindy Ruff - Can they make the front house a little smaller? Paula Kay – I think they have already given up a lot. John Kelly – Right. Chairman McClernon – I don't feel they should make it smaller, just clean up the setbacks since they can. Jim Carnell – If you do move ahead with the approval, maybe something else to consider is that no other improvements are withing that setback, such as propane tanks, faucets, and othering things like that, adding to the requested variance. Cindy Ruff – So, all that stuff will the placed within the setback of the property? Jim Carnell – Correct.

Cindy Ruff – Can the buildings be seen from the road or is the landscape in-between? Chairman McClernon – I think there are some bushes and scrubs. Is that correct? Yisroel Zelcer – I think there is only a chain link fence there now.

No further questions of comments from the Board.

The meeting was opened up to the public.

Albert Smith, residing in Neversink and owns one of the properties on Autumn's Lake – He didn't have a chance to review the existing or the proposed site plan prior to the meeting, but expressed that a 4-foot setback sounds ridiculous and feels it should be fixed if there is an opportunity to do so. Jay Mendels explained that they have the right to rebuild all three buildings in the same foot print if they wanted, but the applicant is working with the Planning Board and agreed to only rebuild 2 of them to improve the non-conformity and clean up the property. Jim Carnell further explained and showed Mr. Smith how all three buildings used to be non-conforming and how the two proposed buildings will sit and that now only one building will be encroaching, but not more then it previously was. Cindy Ruff added that it helps that the neighbor who has to deal with the 4-foot setback is family and doesn't have an issue with it.

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; 3 voted yes and 1 voted no (Jay Mendels)

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

(3) Whether request is substantial; 3 voted no & 1 voted yes (Chairman McClernon)

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

(5) Whether alleged difficulty is self-created; 3 voted yes & 1 vote no (John Kelly)

Jay Mendels – I am willing to make the motion to approve this with the contingency that, like Jim said, they will not add anything to that portion of the building increasing the non-conformity. John Kelly – Not even an air-conditioning unit. Paula Kay – So, all utilities and another improvement have to be within the proper setbacks

A motion to approval the requested variance, subject to all utilities and additional improvements being within the setbacks and requirements of the building code, was made by Jay Mendels and second by Cindy Ruff.

3 in favor, 1 opposed (Chairman McClernon).

APPLICANT: GEORGE PFEISTER

107 Katrina Falls Road

Rock Hill, NY

S/B/L: 51.-2-30

Lorraine Pfeister, Property owner (wife)

Applicant is requesting an Area Variance from §250-7 of the Town of Thompson Zoning Code for (1) Garage from the property in from required 20' to proposed 10'. Property is located at 107 Katrina Falls Road, Rock Hill, NY. S/B/L: 51.-2-30. In the Zone: SR with no central W/S

Chairman McClernon read legal notice aloud.

Proof of mailings were received.

Lorraine Pfeister – This is a metal structure/garage that we are looking to install to go along with our new trailer. It will be located at the back of our driveway, but will be a little close to the neighbors on that side, Gary and Bonnie Smith. We did chat with them about this and they are okay with it. Paula Kay – I did too. Chairman McClernon – Yeah, we know that you have their okay.

Jay Mendels – Looking at the hand drawn plan provided, it looks like the driveway and garage are angled off to the right. Are they at an angle? Chairman McClernon – I think they are pretty straight back. Lorraine Pfeister – They are pretty straight back, I'm just not the best artist. Jay Mendels – Okay.

Jay Mendels - As discussed in the work session prior to the meeting, you can't put the garage behind the house, bring it out of the setback, because of the angle that would create and you wouldn't be able to get the trailer in, right? Lorraine Pfeister – Correct, it would make it very difficult. Jay Mendels – So doing it this way keeps it as far away from the property line as possible while still staying practical? Lorraine Pfeister – Yes.

Cindy Ruff – What kind of trailer is it? Is it drivable? Lorraine Pfeister – No, it is a tow behind and would have to be backed in. Cindy Ruff – And how long is it? Lorraine Pfeister – The trailer itself is 27 feet but I don't think that includes the hitch. I know the garage will be 33 feet deep to accommodate everything.

Cindy Ruff – Will there be a concrete pad? Lorraine Pfeister – No, it will be compacted stone.

Cindy Ruff – Will it be just a pole barn or will it be a full garage with all four sides enclosed? Lorraine Pfeister – It will be completely enclosed but there will not any utilities to it. Jay Mendels – Will it have doors? It will have a roll-up door on the front and maybe a regular door on the back. John Kelly - You should probably have a regular door too, as another access. Lorraine Pfeister – I'm sure we can have one added on if there isn't one. That's no problem.

No further questions or comments from the Board.

The meeting was opened up to the public for comment and 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 no
- (2) Undesirable change in neighborhood character or to nearby properties; All voted no
- (3) Whether request is substantial; 3 voted yes & 1 voted no (John Kelly)
- (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 requested variance was made by Jay Mendels and second by John Kelly.
All in favor, 0 opposed.

APPLICANT: AMY K REGAS REVOCABLE TRUST

234 South Shore Drive

Rock Hill, NY

S/B/L: 66.-34-8

Tim Gottlieb, project representative

Applicant is requesting an Area Variance from §250-9 of the Town of Thompson Zoning Code for (1) Front yard setback from required 50' to proposed 44.5' (2) Combined side yard setback from required 50' to proposed 40.9' (3) Percent of lot coverage from required 10% to proposed 16.3%. Property is located at 234 South Shore Drive, Rock Hill, NY. S/B/L: 66.-34-8. In the Zone: RR-2

Chairman McClernon read legal notice aloud.

Proof of mailings were received.

HOA approval was received.

Tim Gottlieb – The 16% percent lot coverage was a typo on the plans, it is really 14,9%, and I sent revised plans to the building department. So, what the applicant is looking to do is tare down an existing residence and constructing a new one.

Chairman McClernon – I see we received a letter from the HOA approving it. Tim Gottlieb – Great. I wasn't aware of that yet. I knew my client was going to sent it in when they got it, but I didn't know they did.

Jay Mendels – Can you clarify for us what is being torn down and what is being put up? Tim Gottlieb – The hashed area is what is being proposed, with a deck and a patio, and what is coming down is the light areas on the map. Jay Mendels – Is it an awkward shaped bungalow? Tim Gottlieb – Yes, I believe due to additions being added on over the years. Jay Mendels – So, over all the square footage is going up a little bit. Tim Gottlieb – Correct.

Chairman McClernon – It is the right-side yard setback they need, right? Tim Gottlieb – Right and the front yard.

Jay Mendels – How big is the deck off the front? Tim Gottlieb – I don't know off the top of my head.

Chairman McClernon – I would say at least 12 feet. Cindy Ruff – There looks like there is an old deck there that is going to be removed, is it bigger than that one? Maybe longer be not as wide? Tim Gottlieb – I think it will be a little bit smaller overall.

No further questions or comments from the Board.

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

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

APPLICANT: K L HOUSING CORP

16 Feldman Circle

Kiamesha Lake, NY

S/B/L: 6.A-1-13

Joel Kohn, project representative

Applicant is requesting an Area Variance from §250-139F(1), 139F(2), & 138E(6)(a) of the Town of Thompson Zoning Code for (1) Lot 43 minimum lot width from required 50' to proposed 49.5' (2) Lot 43 front yard setback from required 30' to proposed 28.4'. Property is located at 107 Katrina Falls Road, Rock Hill, NY. S/B/L: 51.-2-30. In the Zone: PUD #4

Chairman McClernon read legal notice aloud.

Proof of mailings were received.

Joel Kohn – I am here tonight because the applicant wants to subdivide the property and build another house. The new house will be attached to the existing house, which was built about 20 years ago, but due to the center wall being built about a half a foot off, the new house will not meet the minimum lot width required. The front yard setback shows a proposed 28.4' but that is really to a proposed open porch and the code in this PUD says they can have up to 120 sq. ft. porch withing the front yard setback. The proposed porch is about 190 sq. ft., but the portion that is within the setback is only 46 sq. ft. Really, we don't need a variance for that, but if you want to grant one, that is fine.

Jay Mendels – The existing house was built with the idea of eventually expanding it, right? Joel John – Right. Chairman McClernon – So, there is a block firewall on the one side of the building. Joel Kohn – Right and that wall was not built in the right spot.

Jim Carnell – This was in front of the Planning Board once for initial review. Joel realized a variance would be needed, so they are here tonight for that and will back in front of the Planning Board tomorrow night if granted.

Chairman McClernon – So, basically, we are taking a non-conforming lot and making a new non-conforming lot. Joel Kohn – We are here tonight to make the new lot conforming. Chairman McClernon – Well, it would still be non-conforming because it doesn't meet the 50 feet. If he does an addition, it will be to a non-conforming house because the lot is non-conforming, right? Paula Kay – No, the lot is conforming. Chirman McClernon – Even if it's not 50 feet wide? Joel Kohn – What we are doing here

tonight is making it conforming. Paula kay – Right. Chairman McClernon – Okay. I thought it would still be non-conforming.

Jay Mendels – Can you show us exactly where the existing building is and where the proposed building will be? Joel Kohn – This is the existing building, this is the proposed lot line, which runs right down the center of that firewall, and this is the proposed new building. Jay Mendels – Which will be closer to the road? Joel Kohn – It’s not going to be any closer than the existing building. It is going to be parallel to the it. Jay Mendels – So it is going to come out more to this side? Joel Kohn – Right, more to the back. Jay Mendels – I understand.

Chairman McClernon – There is a regulation in most of the PUDs where the building cannot be more than 60’x60’. Does that not apply here because they are two different buildings? Because this proposed building alone is 64’ in length. Joel Kohn – I don’t think that applied to these lots, but I can double check that. Paula Kay – There is a list of some lots with that requirement, but it wasn’t for all of them. Joel Kohn – The 60’x60’ applies to “E” and this is lot #43 which is in “F”. Chairman McClernon – So, there is no restrictions for this lot? Paula Kay – On the Project Overview form for the Planning Board, it says this is a subdivision for lot #13. Joel Kohn – That is the lot number from the SBL, not for the PUD subdivision. This is lot #43 of the subdivision and that is why 43 is referenced on the legal notice. Paula Kay – Okay, so that just needs to be correct on our side.

Chairman McClernon – The map still needs to be signed. Joel Kohn – The subdivision map? Chairman McClernon – Yeas. Joel Kohn - It will be, but it has to go back to the Planning Board for approval first. Chairman McClernon – I would think they would want a signed copy of what they are going to approve. Paula Kay – It can’t be signed yet. Joel Kohn – After Planning Board approval, we will get a signed copy that will then be signed by the Planning Board Chair and filed with the County. Chairman McClernon – I thought it got stamped and signed before it was presented, like it was for the project Tim Gottlieb just presented. Paula Kay – I think you are referring to the survey. Chairman McClernon – Right, the surveyors map. The one showing the existing and proposed houses. Joel Kohn – That is the subdivision map. Paula Kay – Right. So, what you are saying is there is no signature block by the surveyor on the map submitted? Chairman McClernon – I didn’t see a spot for the surveyor or the owner to sign. Paula Kay – That doesn’t have to be signed, but the surveyor usually stamps his own map. Chairman McClernon – And I don’t see a stamp on here. Joel Kohn – It will be on the final version incase there are any changes that need to be made first. Paula Kay – You are right that it should have been on what was presented here, but it I fine. Chairman McClernon – Okay.

No further questions or comments from the Board.

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

A motion to close the public hearing was made by Jay Mendels and second by Cindy Ruff.
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; 2 voted no & 2 voted yes (Richard McClernon and Cindy Ruff)

A motion to approve all requested variances was made by Jay Mendels and second by John Kelly.
All in favor, 0 opposed.

Jim Carnell informed the Board that Karen Shaffer wanted to remind everyone of the sexual harassment training that needs to be completed.

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

Respectfully submitted,

Laura Eppers
Secretary
Town of Thompson Zoning Board of Appeals