

CHUNG – Joseph Chung

Chairman Carnell read the legal notice. Proof of mailing was submitted.

The applicant is requesting area variances for the purpose of (1) decrease the minimum lot line setback from 10' 8'7" (2) decrease the minimum setback from the main dwelling from 10' to 7'6" and (3) increase the allowed lot coverage from 10% to 11%.

Mr. Chung said the shed was supposed to be 12 x 12 so that a permit was not required. It was constructed a little bit bigger.

The board asked the size of the shed; Mr. Chung responded 161 square feet, which would have required a building permit.

Chairman Carnell stated that there wasn't really any other place for the shed except the back of the property that does slope off.

Bob Hoose asked when the shed was built; Mr. Chung said in June of 2013.

There was no public comment.

The criterion for area variances was discussed:

Feasible alternative: all voted no; based on the condition of the land

Undesirable change: all voted no

Substantial request: all voted no; only a few feet

Adverse effect: all voted no

Self-created: all voted yes

A negative declaration motion was made by Sharon Kazansky seconded by Bob Hoose.

5 in favor

0 opposed

A motion to grant the three variances as requested with the condition that a \$250 fine be paid by the applicant was made by Richard Benson seconded by Bob Hoose.

5 in favor

0 opposed

ICHUD FOUNDATION – Joel Kohn & Chaim Schwartz

Chairman Carnell read the legal notice. Proof of mailing was submitted.

The applicant is requesting an area variance for the purpose of increasing the allowed density from 2 dwelling units per acre (2.44 existing) to 2.63 dwelling units per acre.

Chairman Carnell said that there were outstanding issues with the dining hall as well as some open building permits. It has been the board's policy not to act on anything new until the old things are cleaned up. There is a letter from the Department of State with a denial for the request of the sprinkler variance.

Joel Kohn: they wanted more information regarding the dining hall building.

Michael Mednick: the denial is months old and the board has a concern that nothing has been done yet. Has the additional information been submitted yet?

Kohn responded no; they are working on getting it together.

Chairman Carnell: the variance will not be acted on or denied until any outstanding issues have been cleared up with the building department. We can leave the hearing open until next month to see if things are done.

Chaim Schwartz: if we don't get the variance then we are committed to putting in the sprinkler system.

Michael Mednick advised the board that they must be consistent in their policy. He suggested that the applicant let the board know when the information has been submitted. That way they will have something concrete to rule on.

PUBLIC COMMENT

Beth Leidner, 36 Jacob Drive: 2 dwelling units per acre are allowed, they now have 2.44 and they are asking for 2.63. How many more will they want to have? When will it end? Some other residents from Jacob Drive voiced the same concerns; about water, garbage, traffic etc.

Chairman Carnell advised that there is a total of 109 acres. Planning Board is the lead agency on the main project and they are before this board strictly for density.

A motion to leave this hearing open until December 10, 2013 was made by Sharon Kazansky seconded by Richard Benson.

5 in favor

0 opposed

VRANCICH- Nela Vrancich

Chairman Carnell read the legal notice. Proof of mailing was submitted.

Applicant is requesting a use variance for the purpose of allowing an outdoor wood boiler in the SR zone. Section 172-7 does not allow for outdoor wood furnaces and boilers in the SR zone. In addition the following variances would be required (1) decrease in required lot size from 2 acres to .65 (2) front yard setback from 100' to 15' (3) decrease in side yard setback from 50' to 41' & (4) allow an outdoor wood furnace/boiler that is not EPA approved.

Chairman Carnell stated that this has been going on for some time.

Ms. Vrancich said that she bought a distressed property; it has been a hardship, the taxes are very high. There are a total of 15 lots on this side of the lake. There are three year round houses, 7 summerhouses and 3 lots. There is a camp nearby and Camelot Woods. We are burning fresh wood only. The applicant provided a letter from all the homeowners approving of the wood-burning furnace.

Pamela Zaitchick asked why the stove is not EPA approved?

Ms. Vrancich said she didn't know they needed a permit. The nearest residence is 400' away.

Chairman Carnell asked Michael Mednick how the board could grant a variance for something that is not in the zoning code? The zoning code is referred to in Section 250-; the outdoor wood boiler / furnace is addressed in town code.

Michael Mednick: she is asking for a "use" variance; for something that is not allowed in the SR zone.

Chairman Carnell asked how does the board act?

Mednick: if you granted the use variance then you would still need to vary from the other setbacks.

Carnell: we do not have the authority to change town code; he read the criteria for a use variance. He advised the applicant that all of the criteria must be met; it is not like an area variance where only some of the criteria must be met.

There was no public comment.

The criterion for a use variance was discussed:

- 1) cannot realize a reasonable return – substantial as shown by competent financial evidence
– the applicant has provided no evidence

- 2) alleged hardship is unique and does not apply to substantial portion of the district or neighborhood – the hardship is not unique
- 3) the requested variance will not alter essential character of the neighborhood – it will alter the character
- 4) alleged hardship has not been self-created – it was self-created

A motion to deny the use variance as requested was made by Sharon Kazansky seconded by Bob Hoose.

5 in favor

0 opposed

No action was taken on the area variances.

LEWIS – Kelly Ennis & Peter Lewis

Chairman Carnell read the legal notice. Proof of mailing was submitted.

The applicant is requesting area variance for the purpose of (1) increasing a non-conforming structure (2) decrease the minimum lot size from 40,000 sf to 6,490 sf. (3) decreasing the required side yard setbacks from 20' one side to 9' one side & 20' one side to 3' one side (4) decrease the required combined side yard setback from 50' one side to 12.3' and (5) increase the allowed lot coverage from 10% to 20% in order to construct an addition on an existing dwelling. Chairman Carnell said that this project was discussed in the work session; the setback for the new addition is 8'. The reference to 3' is for the part of the dwelling that is pre-existing.

Kelly Ennis said that it was suggested to ask for that also.

There was a letter of approval from the Homeowners Association.

There were two letters received, read and made a part of the file. One from Menon & one from Rimmels.

The septic is okay; there must be a signed maintenance agreement for the new septic system according to Town of Thompson code.

PUBLIC COMMENT

Ed & Nancy Schmidt, 174 North Shore Road: I haven't seen what is going on. My concern is that my well had to be 100' from my septic; now there will only be 50' from my well to their septic.

Mr. Lewis stated that the DOH engineer is not requiring that the existing leech field be redone at this time. Kelly Ennis advised that she went over the plans with Glenn Iling at the DOH and the plans were okayed by him.

After some discussion the board determined that it was because of the fact that Mr. Schmidt had to drill a new well that the separation distance was required. The Lewis family is not drilling a new well; it is already there.

Mr. Schmidt agreed that the septic would be a better system than they have now.

Pamela Zaitchick said that the reason the lot size variance was okay is that it was an existing lot and the Homeowners Association has approved the request for the addition.

The criterion for the area variances was discussed.

Feasible alternative: all voted no; based on the size of the lots in the Wanaksink Lake area

Undesirable change: all voted no; there would be an improvement with the new septic system being installed

Substantial request: all voted no; again based on the existing lot sizes in that area

Adverse effect: all voted no

Self-created: all voted yes

A negative declaration motion was made by Bob Hoose seconded by Richard Benson.

5 in favor

0 opposed

A motion to grant all of the variances as requested was made by Sharon Kazansky seconded by Bob Hoose.

5 in favor

0 opposed

FREDERICKS – Tim Gottlieb & William Fredericks

Chairman Carnell read the legal notice. Proof of mailing was submitted.

The applicant is requesting area variances for the purpose of (1) decreasing the minimum rear yard setback from 50' to 33.9' (2&3) decreasing the minimum side yard setbacks from 20' one side to 7.4' & 20' one side to 6.3' (4) decreasing the minimum combined side yard setbacks from 50' to 13.7' (5) increasing a nonconforming structure (6) decreasing the required lot size from 40,000 sf to 4,791 sf & (7) increasing the allowed percent of lot coverage from 10% to 17.3%. There were variances issued back in the 1980s; the house was built in 1983. Mr. Fredericks went to sell the house and a search indicated there were open permits. The house has been the same since 2002.

A letter of approval from the Homeowners Association was submitted.

The board had no questions or comments.

PUBLIC COMMENT

David Robinson, 95 Middletown Point Road: lives across the street and wants to know what is going on.

Chairman Carnell explained that there were open permits; the applicant needs these variances for what exists now. Nothing is changing.

The criterion for the area variances was discussed.

Feasible alternative: all voted no; not at this point in time.

Undesirable change: all voted no; it has been the same for 10+ years

Substantial request: all voted no; based on the lot sizes in the area

Adverse effect: all voted no

Self-created: all voted yes

A negative declaration motion was made by Richard Benson seconded by Bob Hoose.

5 in favor

0 opposed

A motion to grant the 7 variances as requested was made by Bob Hoose seconded by Richard Benson.

5 in favor

0 opposed

MONGIELLO – Jed Rhyne

Chairman Carnell read the legal notice. Proof of mailing was not submitted but would be provided tomorrow.

The applicant is requesting area variance for the purpose of (1) increasing a non-conforming structure (2) decrease the minimum lot size from 2 acres to .20 acres (3) decreasing the required side yard setbacks from 20' one side to 7' one side & 20' one side to 16' one side (4) decrease the required combined side yard setbacks from 50' to 23' (28.8' previously approved) (5)

decrease the required rear yard setback from 50' to 15' (18' previously approved) (6) decrease the required front yard setback from 50' to 28' and (7) increase the lot coverage from 10% to 37% (34% approved). The only variance that increased 3' was #5 and that was to an arbitrary property line.

The variances were discussed. Since the requested variances #1,3,4,5,6 & 7 had been approved before and now have slight variations the board agreed that there was no problem granting them again. Variance #2 would not be acted on since it is unnecessary (there is only one lot).

A negative declaration motion was made by Sharon Kazansky seconded by Richard Benson.

5 in favor

0 opposed

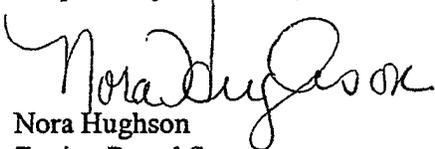
A motion to approve variances 1,3,4,5,6 & 7 as requested with the condition that the garage be labeled that it cannot become living space was made by Bob Hoose seconded by Sharon Kazansky.

5 in favor

0 opposed

A motion to adjourn at 8:38 PM was made by Bob Hoose.

Respectfully submitted,



Nora Hughson
Zoning Board Secretary