

APPROVED

**TOWN OF THOMPSON
ZONING BOARD OF APPEALS
October 14, 2014**

IN ATTENDANCE: Richard McClernon Robert Hoose
Jose DeJesus, Alternate Brian Soller, Alternate
Paula Elaine Kay, Attorney Kathleen Brawley, Secretary
Logan Ottino, Building Inspector

Absent: Chairperson James Carnell, Richard Benson and Pamela Zaitchick

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

Acting Chairman McClernon appointed Brian Soller and Jose DeJesus as voting members for the meeting minutes.

Acting Chairman McClernon asked for a motion to accept the September 9, 2014 meeting minutes. A motion to accept the minutes was made by Brian Soller and seconded by Robert Hoose

3 in favor, 0 opposed

SAM AND IRMA VONA - 6 SPILLWAY LANE - S/B/L: 66-28-1

Bill Norton, P.E. and Sam Vona

Acting Chairman McClernon appointed Brian Soller as a voting member for this application.

Acting Chairman McClernon read the Public Notice.

Proof of mailing was provided to the secretary.

Mr. Norton advised the Board that this is a site plan on Wolf Lake. Mr. Vona owns two homes separated by a row (0.5 acre and 1 acre lots). Mr. Vona plans on removing the existing home and building a new home. The plan shows the existing house and the proposed home is shown in blue. It is almost the same footprint, but a little larger and we are moving it further away from the property line. The required setback is fifty feet, but we do not have that. We need a relief of eighteen feet from the requirement.

Acting Chairman McClernon asked if the setback was calculated from the right of way and Mr. Norton Confirmed it was. Acting Chairman McClernon note that to the right off of the driveway there were red markers up through the woods. It looked like more than 32 feet, but

they may not be the same markers for this project.

The Board members had no comment.

There was no public comment.

(1) Can the benefit sought by the applicant can be achieved by some method which will be feasible for the applicant to pursue but would not require a variance? All voted No.

(2) Will an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance? All voted No.

(3) Is the requested area variance substantial? All voted No.

(4) Will the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? All voted No.

(5) Is the alleged difficulty self-created? All voted Yes.

The Board noted that it received a letter of consent from the Wolf Lake Homeowner's Association.

Acting Chairman McClernon requested that a motion be made to approve the variances as requested. A motion was made by Robert Hoose and seconded by Brian Soller. 3 in favor; 0 opposed.

KONSTANETS - 400 Sackett Lake Road - S/B/L: 44-1-15

Allen Frishman, Regional Planning and Permits

Acting Chairman McClernon appointed Jose DeJesus as a voting member for this application.

Acting Chairman McClernon read the Public Notice.

Proof of mailing was provided to the secretary.

Mr. Frishman advised that his client would like to tear down an existing front porch and replace it with a new porch with roof. His client also wants to add a small extension to the house approximately 18.5 feet by 12 feet. The side yards will be reduced. On the side of the home affected by the right of way, the proposed extension is not getting any closer. In the front, there is a lot of distance to the edge of the pavement. Looking from the road, the house is set back quite a distance.

Attorney Paula Kay asked if this is a single family residence and Mr. Frishman advised that it was. It is a small dwelling, but they want to build a porch to enjoy it a little more. The back

porch is going to be an enclosed porch.

Acting Chairman McClernon asked if the back porch is going to be living space and Brian Soller asked if the porch is going to be heated. Mr. Frishman said it will not be either and if his client wants it to be, he will need to get a building permit. The front porch will be an open deck, with a roof/railing. The rear porch is enclosed.

Jose DeJesus asked what the foundation for the front porch was going to be and Mr. Frishman advised it would be on piers, 4 feet deep. We have to match the foundation. However, nothing has been dug yet. Mr. DeJesus asked what the foundation for the rear porch was going to be and Mr. Frishman advised that it will be sort of the same thing. This is a seasonal residence. We just want to match what is there.

Brian Soller asked if is home this going to stay seasonal and Mr. Frishman advised that he believes it is. Mr. Soller advised that the Board's issue is that we not make it any tighter and it seems to be that this proposed expansion is okay. Jose DeJesus advised that his only issue is the enclosed porch becoming living space. Attorney Paula Kay advised the Board that the porch being converted into living space is an inspection issue.

There was no public comment

The Board members had no further comment.

- (1) Can the benefit sought by the applicant can be achieved by some method which will be feasible for the applicant to pursue but would not require a variance? All voted No.
- (2) Will an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance? All voted No.
- (3) Is the requested area variance substantial? All voted No.
- (4) Will the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? All voted No.
- (5) Is the alleged difficulty self-created? All voted Yes.

Acting Chairman McClernon requested that a motion be made to approve the variances as requested and a motion was made by Jose DeJesus and Robert Hoose.
4 in favor; 0 opposed.

HERSHY BIGEL- 400 Sackett Lake Road - S/B/L: 44-1-15

Allen Frishman, Regional Planning and Permits

Attorney Paula Kay advised that after discussion in the work session, it was learned that the tax map number was incorrect and therefore the public notice was incorrect. Therefore, the Board cannot take action tonight but we can hear what any public comments may be.

Mr. Frishman advised that the site plans were measured from the bungalows around the subject premises and that he has been trying to get in touch with Rettew, who prepared the original site plan, but has not been successful. That is another reason for the adjournment. Would these measurements be permitted or do I need to hire a new engineer/surveyor?

Attorney Paula Kay advised that the Board will generally need a licensed engineer or surveyor to prepare a map or plans.

Acting Chairman McClernon advised Mr. Frishman that if he could provide the maps in color, if possible, it would make it easier on the Board. Also, the floor plan does not show the water tank/hot water heater enclosures. Logan Ottino advised that her office does not include them in setback calculations. Mr. McClernon asked if gas tanks can be close to playgrounds and Attorney Paula Kay advised that it matters, but it is not part of the setback calculations.

Attorney Paula Kay advised Mr. Frishman that we received a letter from Henri Shawn, Esq., on behalf of the Center for Discovery and that Mr. Frishman can respond to it next week.

The Board members had no further comment.

There was no public comment.

Attorney Paula Kay advised that the applicant has to re-notice.

JOSEPH SPREI and RIFKEY MILLER

171 Kaufman Road, Units 15/16 - Section 12 Block 1 Lot 5.7

Allen Frishman, Regional Planning and Permits

Attorney Paula Kay advised that the tax map number provided for this application was incorrect and therefore the public notice was incorrect and the Board cannot take action tonight.

The Board members had no further comment.

There was no public comment.

Attorney Paula Kay advised that the applicant has to re-notice.

TAMMY LARA - 78 Glen Wild Road - S/B/L: 32-1-32

Tammy Lara

Acting Chairman McClernon appointed Jose DeJesus as a voting member for this application.

Acting Chairman McClernon read the Public Notice.

Proof of mailing was provided to the secretary.

Ms. Lara advised that she is putting an addition on her house. It is going to match the front of the house and it is not coming closer to the road.

Attorney Paula Kay advised that this application will have to be sent to the County of Sullivan for review under GML §239, which hopefully permits this Board to take action on this matter in a local manner rather than the State. The Board will take care of sending it out. Ms. Lara asked how long it would take to receive the review and Attorney Paula Kay advised 30 days. Ms. Lara asked if she has to wait for the thirty days to run or can she get on the agenda for the next meeting? Attorney Paula Kay advised that as soon as we receive the County's determination, we will vote on the application.

The Board members had no comment.

There was no public comment.

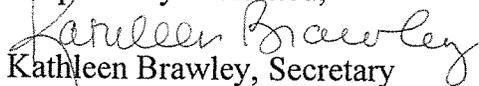
Acting Chairman McClernon requested that a motion be made to hold this application open until the November 11, 2014 meeting and a motion was made by Jose DeJesus and seconded by Robert Hoose.

3 in favor; 0 opposed.

A motion to end the meeting at 7:30 p.m. was made by Jose DeJesus and seconded by Robert Hoose.

4 in favor; 0 opposed.

Respectfully submitted,


Kathleen Brawley, Secretary

Town of Thompson Zoning Board of Appeals