



- (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.

A motion to approve the area variances requested from §250-10 of the Town of Thompson Zoning Code for the purpose of: 1) reducing one side yard setback from the required 15 feet to 4.7 feet; 2) reducing an additional side yard setback from the required 15 feet to 8.8 feet; and 3) reducing the combined side yard setbacks from the required 40 feet to 13.5 feet, was made by Richard McClernon and seconded by Robert Hoose.  
4 in favor; 0 opposed.

A motion to approve the area variance from §250-9(19)(A)(1) of the Town of Thompson Zoning Code for the purpose of permitting a reduced minimum waterfront lot size from the required 20,000 square feet to 13,654 feet, was made by Richard McClernon and seconded by Robert Hoose.  
4 in favor; 0 opposed.

**EILEEN DELANEY-FERGUSON**

166 South Shore Drive, Wurtsboro, NY 12790. Section 66 Block 37 Lot 4  
Fred Kroll, Catskill Modular Homes LLC, Eileen Delaney-Ferguson and Brian Ferguson

Chairman Carnell read the public notice.

Mailings were submitted to the secretary.

Chairman Carnell advised the applicant that the Board discussed this application in detail during the work session. The applicants needs to get an approval letter from Wolf Lake HOA approving this application. Mrs. Ferguson will get the requested letter. Mr. Kroll acknowledged that they are aware that the applicant needs Wolf Lake's approval for most things done on the site. Mr. Kroll advised that the applicant is using the existing foundation and moving the home away from the water. Mr. Kroll showed the Board how the house will be set on the lot and how only a small portion of the home is non-conforming.

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.

A motion to approve the area variances requested from §250-9 of the Town of Thompson Code permitting reduced combined side yard setbacks from the required 50 feet to 40.4 feet and permitting a reduced front yard setback from the required 50 feet to 34.8 feet together with an additional area variance from §250-21B(4) increasing a non-conforming structure, was made by Richard McClernon and seconded by Pamela Zaitchick. The motion was made subject to the Board's receipt of the favorable consent of the Wolf Lake Homeowner's Association.

4 in favor; 0 opposed.

[Note: A letter of consent from the Wolf Lake Homeowner's Association dated June 11, 2015 was received by the Board after the June 9, 2015 meeting.]

**NATALIE A. QUINN**

Starlight Drive, Monticello, NY 12701. Section 57 Block 4 Lot 5.1  
James Dudek

Chairman Carnell re-read the public notice.

Mailings were previously submitted to the secretary.

The Board received a survey map from John Galligan, L.S. Mr. Dudek showed a depiction of what the house will look like on piers.

Eric Horton noted that if the building is going to be 20'x20' and 600 square feet, there must be a loft inside and Mr. Dudek confirmed there was.

Mr. Dudek advised that he spoke with someone regarding the septic and that installation would be fine around the cabin. As far as the well, it's a small footing and a big area and one should not hinder the other. Mr. Hoose wanted an illustration of the pier system Mr. Dudek proposes to use and Mr. Dudek provided the Board with a photo.

Richard McClernon asked if Mr. Dudek was going to use stone piers or trees as was depicted

in the phot provided by Mr. Dudek? Mr. Dudek advised he would not be using trees and he'll probably use cantilevers with a proper frame to maximize the square footage to 850 square feet.

Robert Hoose asked if the cabin would be 850 square feet plus the loft and Mr. Dudek advised no, that is the total square footage. Eric Horton explained to the Board that Code reads "habitable floor area" and the loft can be included in the square footage calculation. Mr. Dudek advised that the minimum ceiling height is 7 feet, so the loft would go from there. Mr. Dudek confirmed that the plan he submitted says 600 square feet but with the loft, he can go to 850 square feet. Mr. Dudek acknowledged that the site has topography issues, as there is a 22 foot drop in elevation from the road to the cabin.

Richard McClernon advised Mr. Dudek that Mr. Horton did some research and a dwelling under 1000 feet has not been approved previously for a primary residence, which Mr. Horton confirmed. Mr. Horton added that the applicant has plenty of acreage, its just that the building size is not sufficient. For hunting and fishing cabins 10 acres are required and Mr. Dudek's property is less than 10 acres. Pamela Zaitchick noted that Mr. Dudek should have understood when he bought the property what the zoning law was and there is no reason why he should expect to be able to build something that small on the property. Chairman Carnell asked about the status of Mr. Dudek's Planning Board application and Attorney Paula Kay advised the Planning Board will not act until the ZBA determines what they need.

PUBLIC COMMENT: Leo Glass was shown the revised plan. Mr. Glass advised that the lots along that private right-of-way were developed towards the lake and away from the lake. This applicant said he did not want to spend the money to build a house and pay a lot in taxes. His proposed shack would be degrading to the entire area. Those lots are eventually going to be sold. He is looking to put a hunting cabin in a residential area. It will hurt the neighborhood and decrease the values. It would also preclude other people from building on the other lots. Mr. Glass vehemently opposes this application.

Mr. Dudek commented that he understood that if he built a 15,000 cabin, he would not have to come back before this Board and the only reason he was staying small was because this is a second home. A house which is 600 square feet is not that much in property taxes. Mr. Dudek noted that there are 25 houses for sale in the area and he believes it is because the taxes are high. Mr. Dudek further commented that if it was so important for the neighborhood to stay the same, someone else should have bought his lot. Mr. Dudek said that if the Board votes no, he will proceed, but at the minimum size allowed by code. Attorney Paula Kay advised that as long as the Building Department signs off on your plans and issues a building permit, then the ZBA will have no jurisdiction. Eric Horton added that there is a maximum height on buildings as well, which is 30 feet above the average roadside grade. Chairman Carnell explained that to Mr. Dudek in depth.

Mr. Dudek said he is trying to keep taxes low and he wants his tax base to stay low to keep the home affordable. Mr. Dudek agreed that he knew what he was getting into when he bought the property. He also advised that he understood Mr. Glass' concerns. Mr. Dudek further added that he thinks the Town is beautiful and he does not want to bother neighbors. The Board explained that they do not want to set a precedent and they are reluctant to approve his requests. Mr. Dudek complained about the size of bungalows in the area and Chairman Carnell explained that most bungalows were built prior to the present building code being in place.

Attorney Paula Kay suggested that the Board not take a formal vote, as it is clear from the Board's comments that they would not vote favorably and asked Mr. Dudek if he would prefer for the Board to vote. Mr. Dudek advised that he did not want to waste any more time. If the Board votes and says no, he understands.

Mr. Dudek discussed the trailer issue on his property and that he is concerned that he will get denied by this Board and then denied by the Planning Board tomorrow night and essentially have to start over. Attorney Paula Kay noted that to be clear, you have said to this Board that you plan on building a 1000 square foot structure, which is permitted. If that is the plan and you go before the Planning Board, they can act on your application. Mr. Dudek asked when he can get started in the Planning Board approves his application. Attorney Paula Kay advised that the Planning Board can tell him that. Chairman Carnell advised that if the Planning Board is comfortable with what you have submitted, they can move tomorrow night.

The Board ultimately determined to vote on this application.

- (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 Yes.
- (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 Yes.
- (3) Is the requested area variance substantial? All voted Yes.
- (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.

A motion to deny the application as requested was made by Pamela Zaitchick and seconded by Richard McClernon.

4 in favor; 0 opposed

A motion to close the meeting at 7:30 p.m. was made by Richard McClernon and seconded by Robert Hoose.

4 in favor; 0 opposed.

Respectfully submitted,

Kathleen Brawley, Secretary  
Town of Thompson Zoning Board of Appeals