

**TOWN OF THOMPSON  
ZONING BOARD OF APPEALS  
Tuesday, September 8, 2015**

**APPROVED**

**IN ATTENDANCE:** Chairperson James Carnell Richard McClernon  
Robert Hoose Brian Soller, Alternate  
Kathleen Brawley, Secretary Eric Horton, Building Dept.  
Paula Elaine Kay, Attorney

RECEIVED  
OCT 14 2015  
TOWN CLERK  
TOWN OF THOMPSON

**ABSENT:** Richard Benson, Pamela Zaitchick and Jose DeJesus, Alternate

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

Chairman Carnell appointed Brian Soller as a voting member for tonight's meeting.

A motion to accept the July 14, 2015 and August 11, 2015 meeting minutes was made by Richard McClernon and seconded by Robert Hoose.  
4 in favor, 0 opposed

**WILLIAM VALENTIN**

**6 Little North Shore Road, Rock Hill, NY - S/B/L: 36.-10-4**

**(Continuation of hearing from August 2015 meeting)**

**Anthony Trochiano, Pietrzak & Pfau**

Chairman Carnell read the public notice. Applicant is requesting area variances from §250-8 of the Town of Thompson Zoning Code for the purpose of:

- 1) reducing one side yard setback from the required 20 feet to 8 feet;
- 2) reducing an additional side yard setback from the required 20 feet to 14 feet;
- 3) reducing a front yard setback from the required 50 feet to 28 feet;
- 4) reducing a rear yard setback from the required 50 feet to 11 feet;
- 5) reducing the combined side yard setbacks from the required 50 feet to 22 feet; and
- 6) permitting an increased lot coverage from the required 10% to 27.9%.

Mailings were previously submitted to the Board.

Chairman Carnell discussed what occurred at last month's meeting and that the Board was looking for clarification. Mr. Troichiano clarified that the previous plan submitted was not in detail and prepared before the applicants had an architectural plan. It was submitted to get a denial from the Building Department. Thereafter, the applicants appeared before the Planning Board for a lot consolidation which was approved. They thereafter consulted with an architect and new plans were prepared and submitted to the Board tonight.

Chairman Carnell asked Mr. Troichiano to confirm the setbacks he is requesting. The differences are: item 3, the front yard setback needed is 30 feet, not 28 feet; item 4, the rear yard setback needed is 10.9 feet not 11 feet; item 5, the requested combined side yard setback is 24 feet, not 22; and item

6, 21.7% lot coverage is requested, not 27.9%

Chairman Carnell asked where the applicants stand with the Department of Health on the septic issue. Mr. Troichiano advised that they are in the process of receiving a waiver for the well location and he showed the map submitted to the Department of Health to the Board. Mr. Troichiano advised that the plan was approved verbally, but no formal letter has been provided. The Department of Health gave the applicants a waiver based upon the fact that there is a drainage swale that runs along the road which collects groundwater and the applicants are going to install a deeper casing on the well. There is not a well existing on the property. Attorney Paula Kay asked the applicants to confirm the amount of the variance. Mr. Troichiano said it was 121 feet and 200 feet is required. Chairman Carnell once again re-iterated that this Board has had issues in the past with septic systems in the area and the Board has given approvals based upon the possibility of obtaining a waiver from the Department of Health, and those have gone into litigation. The Board is not comfortable doing this again.

John Konefal, a member of the Wanaksink Board advised that they have not seen the new plan. It appears that the proposed structure is 45 feet to the edge of the water. Attorney Paula Kay advised that if we leave the public hearing open, we can also wait to see what Wanaksink Lake Homeowners Association will determine.

Brian Soller noted that the building is approximately 45.4' from the edge of the water to the edge of the deck. Who defines the edge of water line? It would seem to be varying and should just be the stone wall. Mr. Konefal advised that the stone wall is the low water mark. Mr. Konefal showed Mr. Soller where the high and low water marks are on the plan.

The Board discussed that they would feel more comfortable if we had the Waiver from the Department of Health. The applicants advised that they will submit the same to the Board as soon as it is received.

A motion to keep the hearing open until the October 13, 2015 meeting was made by Robert Hoose and seconded by Brian Soller.  
4 in favor; 0 opposed.

**JUDITH KING-MURRAY**

**121 South Lake Road, Rock Hill, NY, S/B/L: 39-3-4**

Chairman Carnell read the public notice. Applicant is requesting an area variance from various sections of the Town of Thompson Zoning Code for the purpose of:

1. §250-21(b)(4): increasing a non-conforming structure;
2. §250-8: increasing the permitted lot coverage from 10% to 20%;
3. §250-8: reducing the front yard setback from the required 50 feet to 33 feet;
4. §250-8: reducing one side yard setback from the required 20 feet to 5.14 feet;

5. §250-8: reducing the combined side yard setbacks from the required 50 feet to 25.14 feet.

Mailings were submitted to the secretary.

Chairman Carnell advised that the Board discussed the fact that there is a difference in the front yard setback requested and asked for clarification as to what is proposed versus existing. Ms. King came to an agreement with Wanaksink Homeowners Association. The 33 feet is per the survey, which is up for debate, but it was agreed that the proposed extension is 50 feet from the shoreline.

Eric Horton noted that he was under the impression that they were building along the angle of the property line and Ms. King confirmed that they were in fact doing that.

Chairman Carnell asked if the proposed addition will run parallel to the property line and Mr. Konefal and Ms. King both confirmed that it was. Mr. Konefal advised that it was approved based upon the 50 foot setback from the shoreline as they agreed.

Ms. King advised that she did not invest in a new survey for this project. Chairman Carnell asked for the height of the proposed structure and Ms. King provided that information.

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.

It was determined that since the representative from the Wanaksink Homeowners Association confirmed that this application was approved and acceptable, the Board did not need another letter from the Homeowners Association for the ZBA application. The Board does have a letter from the Homeowners Association to the Building Department approving the applicant's application for a building permit.

A motion to approve the area variances as requested was made by Richard McClemon and seconded by Robert Hoose.

4 in favor; 0 opposed.

**DALE SHEELEY, SR.**

44 Sheeley Lane, Rock Hill, NY, S/B/L: 32-1-26.25

Chairman Carnell read the public notice. Applicant is requesting an area variance from §250-24(c) of the Town of Thompson Zoning Code for the purpose of permitting the replacement of a mobile home with a mobile home that is older than ten years old.

Mailings were submitted to the secretary.

Chairman Carnell asked for information on the home he is installing. Mr. Sheeley advised that it is a 1988 home and the owner was holding it for him. He is not sure if it is still available. Mr. Sheeley asked what year he could go for if 1988 is not acceptable. Chairman Carnell advised it is dependent on the year and condition of the mobile home. Mr. Sheeley advised that there is a 1977 mobile home and an 1972 mobile home neighboring his property.

Attorney Paula Kay advised that the application was for an area variance, but it appears that it should be for a use variance because he is asking for a different use than what is permitted. It was noted that there was no one in the audience who was opposing the application. This will not hold him up and the Board can easily change the application. However, the Board will want to see the mobile home before they approve any variance.

Mr. Sheeley wants to be able to buy something that is available. If he does not have an okay to purchase something that is available, it puts him in a bind. He is on a limited income. He is simply looking to get an approval so he can buy what he finds. Attorney Paula Kay advised that this Board cannot do this; they want to see what it looks like and where it is going to be placed. Mr. Sheeley advised that it will go in the same location as the existing mobile home. Mr. Sheeley advised that any mobile home that is 14' wide is beneficial because it will have a peaked roof and be in much better condition.

The Board discussed keeping the hearing open so Mr. Sheeley can come in with the information the Board is looking for. Mr. Sheeley is concerned that it will get sold out from under him because he has to wait a month. Chairman Carnell advised that unfortunately the Board cannot approve the variance without the specific details.

There was no public comment

A motion to hold the hearing open until the October 13, 2015 meeting was made by Robert Hoose and seconded by Brian Soller.

4 in favor; 0 opposed.

Barbara Garigliano, Esq., asked the Board for an interpretation of the newly amended Emerald Corporate Park. Mrs. Garigliano's clients are interesting in purchasing lots 2 and 3 and wants the Board to determine whether the lots are front lots as defined in the new law. Chairman Carnell advised that it appears both lots are within the 500 feet from the intersection and are in fact front lots. Mrs. Garigliano thanked the Board for its time.

A motion to close the meeting at 7:36 p.m. was made by Richard McClernon and seconded by Brian Soller.

4 in favor; 0 opposed.

Respectfully submitted,

  
Kathleen Brawley, Secretary  
Town of Thompson Zoning Board of Appeals