

APPROVED

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**TOWN OF THOMPSON
ZONING BOARD OF APPEALS
Tuesday, October 13, 2015**

IN ATTENDANCE: Chairperson James Carnell Richard McClernon
Richard Benson Pamela Zaitchick
Robert Hoose Kathleen Brawley, Secretary
Eric Horton, Building Dept. Paula Elaine Kay, Attorney

ABSENT: Brian Soller, Alternate and Jose DeJesus, Alternate

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

A motion to accept the September 8, 2015 meeting minutes was made by Richard Benson 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 September 2015 meeting)

William Valentin

A motion to re-open the public hearing was made by Richard Benson and seconded by Robert Hoose.

4 in favor, 0 opposed

The Department of Health approved the plan and proof of the same was submitted to the Board. The Board noted the conditions placed upon the approval by the Department of Health.

Chairman Carnell noted that the Wanaksink HOA did not appear to have issue with some of the reductions the applicants had, except for the setback towards the lake. What is the actual dimensions? The applicant advised that the existing setback is 28' 9" is which is from the existing deck to the property line, not the water line. It is 8 feet from the water line at the highest. The new setback will be 30 feet to the property line.

Public comment: John Konefal of Wanaksink Homeowners Association advised that since the applicant has a pre-existing setback issue and is correcting the issue to not further encroach on the lake, the Homeowners Association has withdrawn their objection to this application.

Based upon the foregoing, the Board determined to move forward on this application. The Board confirmed the requested variances and the same are as follows:

- 1) reducing one side yard setback from the required 20 feet to 10 feet;
- 2) reducing an additional side yard setback from the required 20 feet to 14.2 feet;
- 3) reducing a front yard setback from the required 50 feet to 30 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 24.2 feet; and
- 6) permitting an increased lot coverage from the required 10% to 21.7%.

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 as requested was made by Robert Hoose and seconded by Pamela Zaitchick.

5 in favor; 0 opposed.

DALE SHEELEY, SR.

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

(Continuation of hearing from September 2015 meeting)

Dale Sheeley, Sr.

A motion to re-open the public hearing was made by Robert Hoose and seconded by Richard McClernon.

5 in favor; 0 opposed.

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.

Proof of mailing was previously submitted to the secretary.

Mr. Sheeley advised that he did find a mobile home and provided photos to the Board. It is an 1985 mobile home, aluminum sided. It was bought new in 1985 and has been in the same location since that time and in exceptional shape.

Chairman Carnell asked for the requirements for a mobile home over ten years old. Attorney Paula Kay read the section of the mobile home in the Code. It must be installed on a slab with permanent masonry type skirting. Mr. Sheeley advised that the previous home was on a slab and he is installing this mobile home on the same slab. Eric Horton advised that the Department of State does not permit the construction of a slab that is not frost-protected. The Board questioned if the pre-existing slab was an issue and Mr. Horton advised that he would check into the same.

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 variance as requested to install a 1985 mobile home was made by Richard McClernon and seconded by Richard Benson.
5 in favor; 0 opposed.

CAMP IROQUOIS SPRINGS

64 Bowers Road, Rock Hill, NY, S/B/L: 33-1-1.1
Glenn Smith, P.E.

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

- 1) permitting a reduced separation distance between buildings from 25 feet to 18 feet for the construction of Boys Bunk #3; and
- 2) permitting a reduced separation distance between buildings from 25 feet to 9 feet for the construction of Girls Bunk #9.

Mailings were submitted to the secretary.

Mr. Smith advised that the applicant is looking to replace Boys Bunk #3 and Girls Bunk #9 which are older and replace them with slightly larger bunks. By going two feet wider, they are creating a separation distance issue. The girls bunk has a two foot decrease in separation distance. The boys bunk will also reduce a separation distance by four feet. The Planning Board denied this application. These bunks are fifty years old. The new bunks will have 18 beds. The boys bunk had 13 and is going to 18 beds. The girls bunk is going from 12 beds to 18 beds. The sewer system was evaluated for the Planning Board and it was determined to be sufficient.

Richard McClernon asked if the girls bunk is older and Mr. Smith confirmed that it was. The newer buildings are nearer to the road. Robert Hoose asked if the applicant would be amenable to building with fire-resistant materials. Mr. Smith advised his client would do this. The inside of the bunks are all knotty pine, but the applicant can use fire-resistant drywall. Pamela Zaitchick advised that she understands that this camp is run well. She has an issue with keeping things the way they are because that is the way it always was. She does not agree with reducing the separation distance.

Chairman Carnell asked what kind of fire protection is existing. Tim McGuinness, a caretaker of

the property advised that there are fire detectors. Eric Horton advised that due to the numbers in each building, they do not require sprinkler systems. Mr. Smith advised there are no heating or cooking fixtures in the bunks. Just lighting, bunks and bathrooms. Robert Hoose was concerned about electrical fires and Mr. Smith advised the building code provides for more strict installation of electrical service to new construction.

Richard McClernon asked if the applicant could rehabilitate certain buildings rather than build new buildings. Chairman Carnell asked if the existing buildings are on piers and Mr. Smith advised they are and that is part of why they want to rebuild them. They want to rebuild on piers. Eric Horton advised that as long as the piers are frost protected, they can be rebuilt on piers.

Mr. Smith advised that the applicant would build a fire-retardant wall on any common wall facing another bunk. Mr. Hoose advised he would be more comfortable voting for this variance if the buildings were built with non-combustible materials. Mr. Hoose noted that other buildings on the premises are also very close together, which Mr. Smith advised were all built many years ago.

Discussion was had about where the fire-resistant materials would be installed and Chairman Carnell felt this was the

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? 4 voted No; 1 voted Yes (Zaitchick)
- (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 as requested, conditioned upon the two long side exterior walls being constructed with non-combustible materials as approved by the Building Department, was made by Robert Hoose and seconded by Richard Benson.
4 in favor; 1 opposed (Zaitchick)

JONATHAN SUNSHINE AND PATRICE SUNSHINE

315 Thompson Road/22 Chalet Road, Monticello, NY, S/B/L: 15-1-20
Tim Gottlieb, P.E., Jonathan Sunshine and Patrice Sunshine

Chairman Carnell read the public notice. Applicant is requesting an area variance from §250-9 of the Town of Thompson Zoning Code for the purpose of permitting a reduced front yard setback from the required 80 feet to 50 feet.

Proof of mailing was submitted to the secretary.

Chairman Carnell asked about water and sewer. Mr. Gottlieb advised a new well will be installed and the septic will be pumped to the existing system. The truck body will be removed from the site and the well will be installed in that location. Mr. Gottlieb advised that the system has ample room for expansion. They are not really adding any flows.

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.

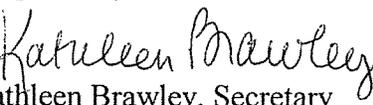
A motion to approve the area variances as requested was made by Pamela Zaitchick and seconded by Richard Benson.

5 in favor; 0 opposed

A motion to close the meeting at 7:39 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