

**APPROVED**

**TOWN OF THOMPSON  
ZONING BOARD OF APPEALS  
Tuesday, June 14, 2016**



**IN ATTENDANCE:**

Chairperson Richard McClernon, Richard Benson, Robert Hoose, Jay Mendels (alternate) Kathleen Brawley, Secretary, Paula Elaine Kay, Attorney and James Carnell, Director of Building/Planning/Zoning

Absent: Pamela Zaitchick, Brian Soller and Jose DeJesus, Alternate

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

Chairman McClernon appointed Jay Mendels a voting member for tonight's meeting.

A motion to accept the May 10, 2016 meeting minutes was made by Richard Benson and seconded by Robert Hoose.

4 in favor, 0 opposed

A motion to take the agenda out of order was made by Richard Benson and seconded by Robert Hoose

4 in favor; 0 opposed

**GEULA ESTATES (Continuation of hearing)**

This public hearing was postponed at the request of the applicant.

A motion to adjourn the public hearing to the July 2016 meeting was made by Jay Mendels and seconded by Robert Hoose

4 in favor; 0 opposed

**GREGG WELLS AND GINA TAGGART-WELLS**

Chairman McClernon read the public notice, as follows: Applicants are requesting area variances from §250-7 of the Town of Thompson Zoning Code for the following purposes: 1) permitting a reduced pool setback from the required 25 feet to 12 feet and 2) permitting an additional reduced pool setback from the required 25 feet to 22 feet. Property is located in the SR Zone at 28 Marjorie Drive, Monticello, NY; S/B/L: 56.A-3-15

Satisfactory proof of mailing was provided to the Secretary.

Chairman McClernon noted that the pool was already constructed prior to the public hearing. Mr. Wells advised that he did not realize he needed to wait and advised that his neighbors were all in

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favor of this application. Jim Carnell noted that the applicants did come in and immediately comply once they found out the pool was constructed.

Mrs. Wells had a question about the fencing around the pool and Jim Carnell spoke with the applicants concerning the same. It is a building department issue.

There was no public comment.

**AREA VARIANCE CRITERIA:**

- (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 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 variances as requested was made by Robert Hoose and seconded by Jay Mendels  
4 in favor; 0 opposed

**SCOTT BRANCH AND BARBARA BRANCH**

Jim Dillon, L.S.

Chairman McClernon read the public notice, as follows: Applicants are requesting area variances from §250-9 of the Town of Thompson Zoning Code for the following purposes: 1) permitting a reduced side yard setback from the required 20 feet to 19 feet and 2) permitting a reduced combined side-yard setback from the required 50 feet to 44 feet. Applicants are also requesting an area variance from §250-21(B)(4) of the Town of Thompson Zoning Code for the purpose of permitting an increase of a non-conforming structure. Property is located in the RR-2 Zone at 348 South Shore Drive, Wurtsboro, NY; S/B/L: 66.-30-7

Satisfactory proof of mailing was provided to the Secretary.

Correspondence from Wolf Lake Homeowner's Association was not received specific to this application. The Board noted that the Homeowner's Association did provide a letter consenting to the Building Department application.

Mr. Dillon advised that the applicants put a new foundation on the house and certain areas of the home were moved very slightly, within a few inches. The staircase on the side of the home created the need for a variance. All other variance distances were pre-existing.

Chairman McClernon asked if the porch counted in the setback calculations and Chairman Carnell

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advised that three steps or less are not counted.

Richard Benson asked for the location of the 19' variance and Mr. Dillon advised it was at the rear of the screen porch. He added that at the suggestion of the Building Department and mirrored their application on the Building Department's Disapproval Letter. Richard Benson asked that a map be provided with the actual numbers shown on the same. Attorney Paula Kay agreed, the map really needs to reflect what they are asking for. Mr. Dillon advised that he can get that accomplished. Jay Mendels asked if the porch is an issue since it is not in compliance. Mr. Dillon advised that it is pre-existing. Jim Carnell felt that it was not necessary for a variance. Jim Carnell confirmed that the building is in the same footprint.

Public comment. Vincent D'Andrea, neighbor. Mr. D'Andrea claims he has a right-of-way and wanted to see the same shown on the applicants' map and Mr. Dillon showed the same on the map. Mr. D'Andrea also wanted to make sure that they are not building out further and Mr. Dillon advised that what is existing is what they are seeking variances for and no further construction will be done.

There was no further public comment.

**AREA VARIANCE CRITERIA:**

- (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 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 variances as requested, subject to receipt of the consent of Wolf Lake Homeowners Association and the Board's receipt of a map reflecting the actual variances requested, was made by Richard Benson and seconded by Bob Hoose  
4 in favor; 0 opposed

**ROLAND R. PAFFENROTH AND CATHERINE D. PAFFENROTH**

Chairman McClernon read the public notice, as follows: Applicants are requesting area variances from §250-9 of the Town of Thompson Zoning Code for the following purposes: 1) permitting a reduced garage setback from the required 25 feet to 22 feet; 2) permitting an additional reduced garage setback from the required 25 feet to 14.8 feet; 3) permitting an increased garage height from the required 16 feet to 18.5 feet; and 4) permitting an increase in lot coverage from the required 10% to 12.5%. Property is located in the RR-2 Zone at 276 South Shore Drive, Wurtsboro, NY; S/B/L: 66.-29-8

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Satisfactory proof of mailing was provided to the Secretary.

Mr. Paffenroth advised that all of the lots in the area are very narrow and it is difficult to build anything on the lots. Due to the layout of the lot and the location of the septic, they had to build the garage in the location as proposed on their application. Mrs. Paffenroth advised that their home sits back away from the lake quite a bit. They need the garage for storage and their boat. It will be an unfinished garage. Mrs. Paffenroth advised that their neighbors have approved this application as they are not affecting their view or any of their rights. Attorney Paula Kay noted that this was reflected in the letter from Wolf Lake Homeowner's Association.

Richard Benson noted that Wolf Lake wants them to remove the existing shed and the applicants advised they will do that as soon as possible. Chairman McClernon asked if this was something the Board needed to enforce and Attorney Paula Kay advised that the Board could note they are approving it in accordance with the letter received from Wolf Lake. Mr. Paffenroth had no objection to that. He also advised that the surveyor will come in afterward to ensure the building is built in the correct location.

Jay Mendels noted that the applicants are limited in their options for this garage.

There was no public comment.

**AREA VARIANCE CRITERIA:**

- (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 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 variances as requested in accordance with the letter of consent of Wolf Lake Homeowner's Association and removal of the shed after the garage is built, was made by Robert Hoose and seconded by Richard Benson  
4 in favor; 0 opposed

**PENTECOSTAL FAITH CHURCH**

Chairman McClernon read the public notice, as follows: Applicants are requesting area variances from §250-8 the Town of Thompson Zoning Code for the following purposes: 1) permitting the increased square footage of a free-standing sign from the required 20 square feet to 32 square feet and 2) permitting an increase of free-standing signs from the required 1 sign to 2 signs. Property is located in the RR-1 Zone at 501 Thompson Road, Monticello, NY; S/B/L: 15.-1-46

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Satisfactory proof of mailing was provided to the Secretary.

Mr. Gonzalez noted the sign is already on the site. The former contractor got a permit to build the same and built the sign too large. The applicant wants to keep the sign as is and that is why they are here. There is not a second sign, it is a two-sided sign.

Jim Carnell confirmed that a building permit was previously issued and the former contractor built it too large.

Jay Mendels advised that if you look at the sign, it really looks like it is a standard sign. The actual sign is in compliance, but the frame may have been used in the calculations. The calculations are doubled since it is two signs. Jim Carnell advised that the frame was not used in calculating the square footage.

There was no public comment. Correspondence was received from Benton Brothers, Inc. consenting to this application.

**AREA VARIANCE CRITERIA:**

- (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 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.

Attorney Paula Kay asked Mr. Gonzalez to amend the application to note that it was a double-sided sign and not two signs.

A motion to approve the variance as a double-sided sign (not two signs) as requested was made by Richard Benson and seconded by Robert Hoose  
4 in favor; 0 opposed

**KAUFMANS COLONY CORP. – RIFKEY MILLER (UNIT 25)**

The applicant and/or his representative did not appear for tonight's public hearing.

A motion to leave this application open for the July 2016 meeting was made by Richard Benson and seconded by Robert Hoose.  
4 in favor; 0 opposed

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**KAUFMANS COLONY CORP. – JOSEPH SPREI (UNIT 26)**

The applicant and/or his representative did not appear for tonight's public hearing.

A motion to leave this application open for the July 2016 meeting was made by Jay Mendels and seconded by Robert Hoose.

4 in favor; 0 opposed

A motion to adjourn the meeting at 7:40 p.m. was made by Robert Hoose and seconded by Richard Benson.

4 in favor; 0 opposed

Respectfully submitted,

  
Kathleen Brawley, Secretary  
Town of Thompson Zoning Board of Appeals

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