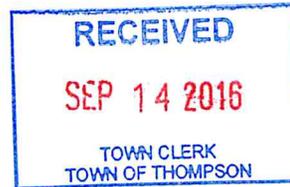


**TOWN OF THOMPSON
ZONING BOARD OF APPEALS
Tuesday, July 12, 2016**



APPROVED

IN ATTENDANCE:

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

Absent: 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 June 14, 2016 meeting minutes was made by Robert Hoose and seconded by Richard Benson.

5 in favor, 0 opposed

SUNSHINE ESTATES INC. - UNITS #3-4 AND #7

Property is located in the RR-1 Zone at 221 Ranch Rd., Monticello, NY S/B/L: 16-1-14.1

Chairman McClernon read the public notice: Applicants are requesting area variances from §250-8 the Town of Thompson Zoning Code for the following purposes: Unit 3-4: to permit a reduced front yard setback from the required 100 feet to 70.7 feet; and Unit #7: to permit a reduced front yard setback from the required 100 feet to 83 feet and to permit an increase in lot coverage from the permitted 10% to 11.8%.

Satisfactory proof of mailing was provided to the Secretary.

Joel Kohn appeared on behalf of the applicant. Mr. Kohn explained the requested variances to the Board and explained that Unit 7 has an existing non-conformity which is not visible from the road. Chairman McClernon asked for clarification of the distance to the road and Mr. Kohn felt it was approximately 45 feet. Richard Benson asked if the applicant owns both sides of the road and Mr. Kohn advised they do not. There is nothing on the other side of the road. Jay Mendels advised that since the requested variances are within the areas that already exist, he has no problem. Mr. Mendels questioned lot coverage and Mr. Kohn advised that it is 11.7% existing and they are requesting an increase to 11.8%. Chairman McClernon asked if the neighbors were okay with the requested additions and Mr. Kohn confirmed they are amenable to the same.

The Board had no further questions.

There was no public comment.

Town of Thompson ZBA
July 12, 2016

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 will 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 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 for negative declaration motion under SEQRA was made by Richard Benson and seconded by Robert Hoose.
5 in favor; 0 opposed

A motion to approve the variances as requested was made by Robert Hoose and seconded by Richard Benson
5 in favor; 0 opposed

KAUFMANS COLONY CORP. - RIFKEY MILLER (UNIT 25)

Property is located in the HC-2 Zone at 171 Kaufman Rd, Monticello, NY; S/B/L: 12.-1-5.7

Chairman McClernon read the public notice: Applicants are requesting an area variance from §250-34(D)(6) of the Town of Thompson Zoning Code for the purpose of permitting a reduced building separation from the required 25 feet to 20 feet 9 inches. 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.

Satisfactory proof of mailing was previously provided to the Secretary.

Attorney Paula Kay read the portion of the May 10, 2016 meeting minutes relating to this application to the Board.

Allen Frishman appeared on behalf of the applicant. Mr. Frishman advised that he missed the last meeting due to the fact that the applicant was not ready to proceed. Mr. Frishman provided a photo of the existing unit and advised that it is quite a distance from the road. They want to build a screened-in porch. The site plan was revised to reflect the correct setback distances. The roof will be removed from the existing porch or lay over the existing roof. It will be appropriate for the building. It will be a peaked roof. Chairman McClernon asked Mr. Frishman to confirm it was just a screened in porch and Mr. Frishman advised that they want to enlarge the deck and square off the building in a mirror image to Unit 26. It will not be a room or bedroom. It will just be a screened in porch. They did not previously ask for this variance because they were too consumed with rebuilding the unit. Mr. Frishman advised that if the Board prefers it to be a non-screened in

Town of Thompson ZBA
July 12, 2016

porch and just a deck, he will advise his clients of the foregoing. Mr. Frishman advised it will not have windows or be livable space.

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 will 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 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 for negative declaration motion under SEQRA was made by Robert Hoose and seconded by Richard Benson.

4 in favor; 0 opposed

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

5 in favor; 0 opposed

KAUFMANS COLONY CORP. - JOSEPH SPREI (UNIT 26)

Property is located in the HC-2 Zone at 171 Kaufman Rd, Monticello, NY; S/B/L: 12.-1-5.7

Chairman McClernon read the public notice: Applicants are requesting an area variance from §250-34(D)(6) of the Town of Thompson Zoning Code for the purpose of permitting a reduced building separation from the required 25 feet to 19 feet 9 inches. 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.

Satisfactory proof of mailing was previously provided to the Secretary.

Allen Frishman appeared on behalf of the applicant. The Board had no further questions, as this is a mirror image of unit 25.

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 will a detriment

Town of Thompson ZBA
July 12, 2016

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 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 for negative declaration motion under SEQRA was made by Richard Benson and seconded by Robert Hoose.

5 in favor; 0 opposed

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

5 in favor; 0 opposed

GEULA ESTATES

Property is located in the RR-2 Zone at

117 Coopers Corners Rd, Monticello, NY; S/B/L: 11.-1-43.3.

Chairman McClemon read the public notice: Applicants are requesting an area variance from §250-34(D)(6) of the Town of Thompson Zoning Code for the purpose of permitting a reduced building separation from the required 25 feet to 20 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.

Satisfactory proof of mailing was previously provided to the Secretary.

Attorney Paula Kay summated the prior meeting minutes for this application for the Board.

Allen Frishman appeared on behalf of the applicant. Mr. Frishman updated the Board and advised that the applicant was served and appeared in Court. He was fined \$250.00 and the Court proceeding is complete. Mr. Frishman brought a photograph of the subject premises to show the Board what the house looks like from the neighbors. Mr. Frishman advised that he client acknowledges he built a deck without a permit. Mr. Frishman fully believes that the applicant did not build this deck without a permit wilfully. He did make a larger deck and moved the steps to accommodate the same. Mr. Frishman noted that the deck is only 40 square feet larger. If he had built this deck as it previously existed, he would not be before the Board. Chairman McClemon asked if Mr. Frishman spoke with the owner and Mr. Frishman advised not directly. Chairman McClemon again reiterated that the owner should be advised that his residents should not build without permits. Mr. Frishman advised that they are good neighbors and keep a clean colony. Robert Hoose felt that the builder of the deck should be penalized for building without a permit. Mr. Frishman advised that he always give the advice that a person should call the Building Department and find out if they need a permit and they will always get the right answer. Jim Carnell advised that to his knowledge he did not think the Building Department had any issue with

Town of Thompson ZBA
July 12, 2016

the quality of the construction of the deck.

Public comment: The applicant was in the audience and confirmed that he really did not think he needed a permit for this deck. He had replaced the piers several times because he was concerned about the safety of the same. He advised that if he would have got a permit if he knew that it would be this much trouble and expense.

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 will 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 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 for negative declaration motion under SEQRA was made by Robert Hoose and seconded by Pamela Zaitchick.
5 in favor; 0 opposed

A motion to approve the variances as requested was made by Pamela Zaitchick and seconded by Robert Hoose.
5 in favor; 0 opposed

A motion to adjourn the meeting at 7:35 p.m. was made by Jay Mendels and seconded by Richard Benson.
4 in favor; 0 opposed

Respectfully submitted,


Kathleen Brawley, Secretary
Town of Thompson Zoning Board of Appeals

Town of Thompson ZBA
July 12, 2016