

**APPROVED**

TOWN OF THOMPSON  
ZONING BOARD OF APPEALS  
Tuesday, January 8, 2019

IN ATTENDANCE: Chairman Richard McClernon Richard Benson  
Paula Elaine Kay, Attorney Danielle Jose-Decker, Alternate  
James Carnell, Director of Building/Planning/Zoning  
Debbie Mitchell, Secretary



Absent: Jay Mendels, Robert Hoose and Ryan Schock

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

Chairman Richard McClernon appoints Danielle Jose-Decker.

A motion to approve the December 11, 2018 minutes was made by Richard Benson and seconded by Danielle Jose-Decker  
3 in favor, 0 opposed

**Appeal by: THOMAS O'DONOHUE**

Applicant is requesting area variances from §250-8 and §250-16 of the Town of Thompson Zoning Code for the following purpose: 1) side yard setback from required 20' to proposed 6'; 2) combined side yard setbacks from required 50' to proposed 17.4'; 3) accessory structure side yard from required 10' to proposed 2'; 4) accessory structure setback from main structure from required 10' to proposed 7'; (5 percentage of lot coverage from required 10% to proposed 24.4%.

Property is located at 224 North Shore Road, Rock Hill, NY: S/B/L: 38.-3-14 in the RR1 Zone.  
Tim Gottlieb for O'Donohue.

Satisfactory proof of mailing was provided to the Board.

Mr. Gottlieb – There was an error last month and that was fixed. Chairman Richard McClernon – Did we get the letter from Wanaksink Lake Homeowners Association? Mr. Gottlieb – Yes. Mr. Gottlieb gives Chairman Richard McClernon the approved letter.

**PUBLIC COMMENT:**

No Public Comment

**PUBLIC COMMENT CLOSE:**

**AREA VARIANCE CRITERIA:**

- (1) Whether benefit can be achieved by other means feasible to applicant; All voted No
- (2) Undesirable change in neighborhood character or to nearby properties; All voted No
- (3) Whether request is substantial; Chairman Richard McClernon - lot coverage is substantial. Chairman Richard McClernon and Danielle Jose-Decker voted Yes. Richard Benson I'm voting No, I don't think it's substantial compared to the other lots in Wanaksink Lake.
- (4) Whether request will have adverse physical or environmental effects; All voted No
- (5) Whether alleged difficulty is self-created; All voted Yes

Motion to approve all the variances was made by Richard Benson and seconded by Danielle Jose-Decker 3 in favor; 0 opposed

**Appeal by: Talina Kotlyar**

Applicant is requesting area variances from §250-8 of the Town of Thompson Zoning Code for the following purpose: 1) front yard setback from required 50' to proposed 40.6' 2) side yard setback from required 20' to proposed 13.4' 3) rear yard setback from required 50' to proposed 32' 4) percentage of lot coverage from required 10% to proposed 16.04%

Property is located at 104 Racine Court, Monticello, NY S/B/L: 8.A-1-14 in the RR1 Zone.  
Talina Kotlyar, applicant

Satisfactory proof of mailing was provided to the Board.

Ms. Kotlyar – We have no open deck and it was our dream to have an open deck when we bought the house. The deck that is there now came with the house.

Danielle Jose-Decker – The only real change is the 32 feet and lot coverage.

Paula Kay – Once the Town Board authorizes the area as a PUD then there would be no need for these variances. But we figured we would have you come in now instead of making you wait for the Town Board to act. This Variance is good for 6 months. Ms. Kotlyar – What is a PUD? Paula Kay – Planned Unit Development. You live in a Planned Unit Development that has its own zoning. In 1986 the Town Board attempted to approve the Planned Unit Development but they never finalized the action. That is why you're here today. Otherwise you and your neighbors would be able to build your deck legally. Chairman Richard McClernon – The lots were not zoned correctly. Ms. Kotlyar – Six months is plenty of time. Richard Benson – Six months to start or finish? Paula Kay – To start.

Chairman Richard McClernon - If we approve this today you can go to the Building Department tomorrow and get your permit. Ms. Kotlyar – After I'm done with the building the deck how do I legalize everything? Paula Kay – Once you're done you will have to call the Building Department and setup an inspection. When you go to the Building Department for your permit, they will walk you through everything.

Chairman Richard McClernon – There was a 239 from the Town that showed a local determination.

PUBLIC COMMENT:

No Public Comment

PUBLIC COMMENT CLOSE:

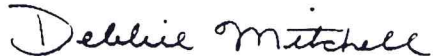
AREA VARIANCE CRITERIA:

- (1) Whether benefit can be achieved by other means feasible to applicant; All voted No
- (2) Undesirable change in neighborhood character or to nearby properties; All voted No
- (3) Whether request is substantial; All voted No
- (4) Whether request will have adverse physical or environmental effects; All voted No
- (5) Whether alleged difficulty is self-created; Paula Kay – If the Town Board had acted on the PUD then Ms. Kotlyar would not have had to come here tonight. Danielle Jose-Decker – I'm not going to answer this question since I don't know what the regulations are for the PUD. Chairman Richard McClernon and Richard Benson both voted No.

Motion to approve all the variances was made by Danielle Jose-Decker and seconded by Richard Benson  
3 in favor; 0 opposed

A motion to close the meeting at 7:13 pm was made by Danielle Jose-Decker and seconded by Chairman  
Richard McClernon  
3 In favor; 0 opposed

Respectfully submitted,



Debbie Mitchell  
Secretary  
Town of Thompson Zoning Board of Appeals