

TOWN OF THOMPSON  
ZONING BOARD OF APPEALS  
Tuesday, August 11, 2020



IN ATTENDANCE: Chairman Richard McClernon  
Robert Hoose Jay Mendels  
Barbara Strong Trev Miller, Alternate  
Paula Elaine Kay, Attorney Sean Walker, Alternate  
James Carnell, Director of Building/Planning/Zoning  
Debbie Mitchell, Secretary

Absent: Richard Benson

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

A motion to approve the July 14, 2020 minutes was made by Jay Mendels and seconded by Robert Hoose  
5 in favor, 0 opposed

Chairman Richard McClernon appoints Trev Miller to replace Richard Benson as a voting member.

**APPLICANT GREGG WELLS**

Applicant is requesting an Area Variance from §250-7 of the Town of Thompson Zoning Code for the following purpose (1) Rear yard setback from required 40' to proposed 18'.

Property is located at 28 Marjorie Drive, Monticello, NY S/B/L: 56.-A-3-15 in the SR zone with W/S Gregg Wells, Owner

Mr. Wells – This is for a platform. We want to put it on the hill so we don't clutter the deck area. It's just an 8' x 8' platform for the kids to use to jump into the pool and to get in and out of the pool with.  
Chairman Richard McClernon – We usually request a site plan showing where things are going instead of a handwritten sketch. Do you have a survey? Mr. Wells – Yes, but I have to find it. I'm not sure if we have an updated one, but nothing has changed. Chairman Richard McClernon -If you could get us a survey and show on the survey where the items are and send them to the Building Department, that would be great. Mr. Wells – The deck will have railings around it.

Barbara Strong – Is it a platform or raised? Mr. Wells – It's even with the top of the pool and as it goes back away from the pool it gets closer to ground level since our property goes up as you go away from the pool.

**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; All voted Yes

A motion to approve the variance was made by Jay Mendels and seconded by Robert Hoose  
5 in favor; 0 opposed

**GARDEN HILL ESTATES, LLC**

Applicant is requesting an Area Variance from §250-8 of the Town of Thompson Zoning Code for the following purposes: (1) Related recreational uses not closer than 100' to any property line from required 100' to proposed 63'1" (2) Related recreational uses not closer than 100' to any property line from required 100' to proposed 63'4"

Property is located at 50 Strong Road, Monticello, NY S/B/L: 1.1.12 in the RR1 zone.  
Joel Kohn, representing applicant

Chairman Richard McClernon – This is a continuation from last month.

Mr. Kohn - They are proposing a Volleyball court and the Board has some question at the last meeting. What will the surface will be? It will be a paved surface. They want to use it for Volleyball and Basketball plus other activities in that area. Is there going to be a fence? There will be a 6' high fence. They wanted to know why such a large area? Because they want to use it for Basketball, Volleyball as well as any other activities. Paula Kay – What kind of activities? Mr. Kohn - Other activities that can be play outside and that uses a court. Paula Kay – Then let's call it a recreational area. Mr. Kohn – That is what it is and that is what bought us here.

Mr. Kohn - The neighbor asked about noise. I can only say that they don't have games every week they have them every couple of weeks. Right now, they are playing in the parking lot and that is closer to the neighbor's house. The proposed area is farther away and hopefully will be less noisy. As far as lighting, it will be Dark Sky lighting so there will be no over flow to the neighbor's property. Jay Mendels – What is Dark Sky lighting? Mr. Kohn - It means the lights will be facing down so the neighbor won't see them. Robert Hoose – How late were the activities going on to? Mr. Kohn - It can be late on the weekends; I don't want to commit to a time. Robert Hoose – Isn't there a town ordinance for noise? Paula Kay -Yes but it's different for each item.

Chairman Richard McClernon – Do they bring in other kids in from other places? Mr. Kohn - No.

Paula Kay – Noise ordinance states (§163-1): Unlawful for a person to make any unreasonable loud, disturbing and unnecessary noise between the hours of 8:00 p.m. and 7:00 a.m. during any weekday and between the hours of 8:00 p.m. and 9:00 a.m. on any Sunday or holiday. No ringing of bells, no creation of loud or excessive noise, no use of amplifying or public-address system outside of 9:00 a.m. to 7:00 p.m. The creation of any excessive noise on any street or highway adjacent to any public or parochial school. No sound traps.

Mr. Kohn - As far as games they will have some on Saturday night but it's not every night. They will be 2, 3, 4 or 5 times over the year.

Chairman Richard McClernon – I thought I saw that this is essential to have this area. Mr. Kohn - They want to have an area that is more appropriate than the parking lot. Chairman Richard McClernon – What kind of games did they have this past weekend? Mr. Kohn - I don't know I would have to check.

Jay Mendels – I'm all for a kid to have a place to play. Why not choose other places to help please the neighbors? Mr. Kohn shares his screen to show the board other area and to discuss why or why not they were not a good place. The only other possible area is on the left side of the property. The issue there is no facility by that area. The proposed area has facilities for bathroom or drinking. Chairman Richard McClernon – What about behind building 11, 12, 13? Mr. Kohn - That is the property line. Chairman Richard McClernon – There is enough room with a variance for a basketball court and they can put a net for volleyball somewhere else. Mr. Kohn – That would be a bigger variance than what we are looking to do now.

Jay Mendels – Can you show us where the neighbors houses are? Mr. Kohn shows the Board where the houses are in location to the proposed Volleyball.

Jay Mendels – Will there be any clearing done? Mr. Kohn - A little clearance will be done. There will be a wide vegetative buffer there. Trev Miller – It's pretty steep from the road up the hill. Robert Hoose – What is the distance to Mr. Gordon's house? Mr. Kohn - Mr. & Mrs. Gordon's house is a little over 300 feet away. Mr. & Mrs. Arcelisi's house is 1,867 feet away.

#### PUBLIC COMMENT:

Chairman Richard McClernon – We got a letter from Mr. & Mrs. Arcelisi after the meeting last month. Paula Kay read the letter.

Rich Gordon - I respectfully disagree with Mr. Kohn. At 12:30 a.m. I was woken up from a deep sleep. I've been in and out of the Hospital for the last two weeks and I'm still sick. They don't care about noise. They have an ice cream trucks that come by and play noise and wakes me up. This started as a volleyball court and now it's a recreation area. They are three moves ahead of you guys. The next thing you know

they will be putting a roof over this area. I met with their representative last weekend and the comment was that Florida is nice why not move there year-round. Make me an offer and I'll move. I'm told the Town can't have street vendors and when I have called the town I get, we can't do anything, call the police. I've called the Sheriff Dept and by the time they get there the vendors are gone. We are getting to old for this situation. I appeal to you to have them move it back by the pool area. Move it to were someone will not be disturbed. You allowed them to rebuild the bungalow colony and they put in a three-story building that is the Taj Mahal. I have to follow the laws shouldn't they have to too?

**PUBLIC COMMENT CLOSE:**

A motion to close the public hearing was made by Trev Miller and seconded by Robert Hoose  
5 in favor; 0 opposed

A motion for a Negative Declaration was made by Jay Mendels and seconded by Barbara Strong  
5 in favor; 0 opposed

**AREA VARIANCE CRITERIA:**

(1) Whether benefit can be achieved by other means feasible to applicant; Chairman Richard McClernon – There are other places they could put this. Voted Yes, Robert Hoose Voted Yes, Trev Miller Voted Yes, Jay Mendels – I don't think they can move it effectively. Voted No, Barbara Strong Voted Yes

(2) Undesirable change in neighborhood character or to nearby properties; All voted Yes Chairman Richard McClernon – If its causing noise then Yes.

(3) Whether request is substantial; Chairman Richard McClernon – I don't think the size is substantial. Voted No, Robert Hoose – Not if they can move it somewhere else. Voted No, Trev Miller Voted No, Jay Mendels Voted No, Barbara Strong Voted Yes

(4) Whether request will have adverse physical or environmental effects; Chairman Richard McClernon - No matter where they put it, it will be a recreational area, I don't see that it will have a physical or environmental effect on the land. Paula Kay – It could also include things like noise. Then I would say that it will have a physical or environmental effect. Voted Yes, Robert Hoose Voted Yes, Trev Miller Voted Yes, Jay Mendels Voted No, Barbara Strong Yes

(5) Whether alleged difficulty is self-created; All voted Yes

Jay Mendels – I believe the issue is that this development has been a bad neighbor all along. If this happens to be approved that the development needs to work with there neighbors not antagonize them. And if that means no more late-night games then so be it. And that they cannot build anything else on this spot. But if it's a recreational activity and they work with the neighbors then I would approve.

A motion to approve the variance was made by Jay Mendels

Chairman Richard McClernon – We do not have a second for the motion.

A motion to denied the variance was made by Barbara Strong and seconded by Chairman Richard McClernon  
4 in favor; 1 opposed was Jay Mendels

#### **APPLICANT DO-OVER REAL ESTATE PROPERTY**

Applicant is requesting an Area Variance from §250-21C(4) of the Town of Thompson Zoning Code for the following purpose: (1) Nonconforming lots of record lot #1 from required 40,000 square feet to proposed 31,580 square feet and (2) Nonconforming lots of record lot #2 from required 40,000 square feet to proposed 31,580 square feet.

Property is located at 221 Starlight Road, Monticello, NY S/B/L: 57.-2-3 in the RR2 zone  
Glenn Smith, engineer  
Jacquie Leventoff  
Charlie Manjeanie

Paula Kay – My understanding is that the mailing did not go out in a timely matter. So, the Board cannot act on this.

Mr. Smith - They are looking to purchase these two nonconforming lots and do a lot line change. They are both 32,000 square feet now. One lot will be on Starlight Road and the seconded lot would be on Starlight Lane. With a house on each one as well as a septic and well.

Paula Kay – On your new proposed lot 1, where will the well be? Mr. Smith - It would have to be somewhere by the existing cabin. Paula Kay – You wrote well with a question mark. So, your thinking it would be somewhere down there? Mr. Smith - Yes. Chairman Richard McClernon – The building department said it's an artesian well now. Mr. Smith - I was not aware of that. Mr. Manjeanie – Yes, it's on the second lot and with this proposal it will allow the well and septic to be on the same lot. Mr. Smith – These are nonconforming lot now and will still be a nonconforming lot. They might need a variance for the one lot but that is not in front of you today.

Mr. Smith - We are not looking for any variances now.

Ms. Leventoff – A question came up, was this a common owner before and it was. It was an eye sore and we are rehabbing it. Jay Mendels - Your purpose is to sell these as separate lots? Ms. Leventoff – We want to fix the house on the one lot and then build a house on the upper lot on Starlight Drive. Jay Mendels – So ultimately you will be selling two separate lots to different people? Ms. Leventoff - Correct Mr. Smith - This is just a lot line change; we are not creating any more lots. Chairman Richard McClernon – The second lot is mainly on the brook but not on the water? Ms. Leventoff – Correct.

Paula Kay – Some of the lots have easements to the lake. Proposed lot two, will it have right to the lake? Ms. Leventoff – I don't know we haven't considered that.

PUBLIC COMMENT:

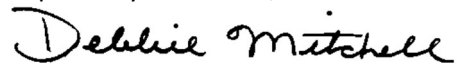
No Public Comment

PUBLIC COMMENT CLOSE:

A motion to keep the Public Hearing open was made by Jay Mendels and seconded by Robert Hoose  
5 in favor; 0 opposed

A motion to close the meeting at 7:50 pm was made by Jay Mendels and seconded by Trev Miller  
5 In favor; 0 opposed

Respectfully submitted,

A handwritten signature in black ink that reads "Debbie Mitchell". The signature is written in a cursive, flowing style.

Debbie Mitchell  
Secretary  
Town of Thompson Zoning Board of Appeals