

TOWN OF THOMPSON  
ZONING BOARD OF APPEALS  
July 13, 2021

IN ATTENDANCE: Chairman Richard McClernon Sean Walker  
Jay Mendels Heather Zangla, Secretary  
Cindy Ruff, Alternate  
James Carnell, Director of Building/Planning/Zoning

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

A motion to approve the June 8, 2021 minutes was made by Jay Mendels and seconded by Sean Walker  
4 in favor, 0 opposed

**APPLICANT: JOYLAND PARK**

Applicant is requesting an area variance from §250-8 and §250-21B(4) of the Town of Thompson Zoning Code for (1) increasing a non-conforming building and (2) bungalow colony side yard setback from 50ft to proposed 34.5ft.

Property is located at 130 Joyland Park Road, Monticello, NY S/B/L: 23.-2-15.1 in the RR1 district.  
Timothy Gottlieb, Gottlieb Engineering

Satisfactory proof of mailing was submitted.

James Carnell - explained to the Zoning Board the reason for the appearance of this applicant.

**PUBLIC COMMENT:**

There was no public comment.

**PUBLIC COMMENT CLOSE:**

A motion to close the public hearing was made by Jay Mendels and seconded by Sean Walker  
4 in favor; 0 opposed

**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

**APPLICANT: GREGORY JOHNSON**

Applicant is requesting an area variance from §250-9 of the Town of Thompson Zoning Code for (1) Front yard setback from required 50' to proposed 24.81' (2) one side yard setback from 20' to proposed 13.77' and (3) percentage of lot coverage from required 10% (11.5% existing) to proposed 13.7% .

Property is located at 191 Lakeshore Drive, Monticello, NY S/B/L: 42.-5-5 in the RR2 district.  
Gregory Johnson, Property owner

Satisfactory proof of mailing was provided to the Board.

Mr. Johnson- we are looking for 3 variances. We started construction on the deck and received a stop work order. The repairs started on the deck and one thing led to another.

Jay Mendels- so this is a new deck? Mr. Johnson-we have added on to the existing deck after the repairs were made. A permit has been applied for with the new changes to the deck.

**PUBLIC COMMENT:**

A letter was submitted by the neighbor in favor of the deck. Chairman McClernon read the letter aloud.

**PUBLIC COMMENT CLOSE:**

A motion to close the public hearing was made by Cindy Ruff and seconded by Jay Mendels.  
4 in favor; 0 opposed

**AREA VARIANCE CRITERIA:**

(1) Whether benefit can be achieved by other means feasible to applicant; Jay Mendels-Yes, he proceeded without proper guidance from the building department. Chairman McClernon-Yes, if the owner hadn't started construction without a permit, we would have no issues. Cindy Ruff and Sean Walker Yes- agreed.

(2) Undesirable change in neighborhood character or to nearby properties; All voted No. Chairman McClernon – it is an upgrade.

(3) Whether request is substantial; All voted Yes

(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 variances as requested was made by Chairman McClernon and seconded by Sean Walker. Jay Mendels – I vote no on the front yard setback. I would be in favor of the deck if it wasn't so close to the water and I have no issues with the other two variances. Chairman McClernon – Visited the property and this deck will be similar to all the others on the water.

3 in favor; 1 opposed.

**APPLICANT: SUNRANCH FAMILY LLC**

A Motion to take the agenda out of order was made by Chairman McClernon and seconded by Jay Mendels.

4 in favor; 0 opposed

**APPLICANT: STEVEN ADELSBERG**

Applicant is requesting an area variance from 250-18 of the Town of Thompson Zoning Code for (1) Fence height from required 6' to proposed 10'.

Property is located at Sackett Lake Road, Monticello, NY S/B/L: 45.-3-1.2 in the SR district with water/sewer.

Richard Conklin, Representative and contractor

Satisfactory proof of mailing was submitted.

Richard Conklin- the property owner enjoys baseball and wants the children to have a place to play it. The fence will be 10' high behind the home plate area. It will be 3 sided on angles like most fields have. It will protect the cars from baseballs and protect the children from running out to get the ball.

**PUBLIC COMMENT:**

There was no public comment.

**PUBLIC COMMENT CLOSE:**

A motion to close the public hearing was made by Sean Walker and seconded by Jay Mendels.

4 in favor; 0 opposed

**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 requested variance was made by Jay Mendels and seconded by Chairman McClernon.

4 in favor; 0 opposed

**APPLICANT: UNIQUE ESCAPES CAMPGROUND**

Applicant is requesting a determination of the code for campgrounds.

Property is located at Old Liberty and Gartner Road, Monticello, NY S/B/L: multiple parcels 5.-1-16.7 through 5.-1-16.13 in the RR1 district.

Michael Rielly, Project engineer

Michael Rielly- A determination of the code campground is needed for the Planning Board to move forward. This site will be made up of four (4) geodesic domes to be rented out for “glamping”.

Jay Mendels- so people will come up for a week or so at a time. Yes, they will be rented out on Air BB. There will be no long term rentals.

Chairman McClernon- will they meet snow load and other energy requirements? The applicants are working with an architectural designer to get those plans.

Jay Mendels- any other questions or concerns by the board?

A motion to classify this project as a campground and send the applicant back to Planning Board was made by Jay Mendels and seconded by Chairman McClernon.

4 in favor; 0 opposed

**APPLICANT: SUNRANCH FAMILY, LLC**

Joel Kohn, Project representative

Abe Werzberger, Property owner

Applicant is requesting an area variance from §250-34(D)(6) and §250-21D(2) of the Town of Thompson Zoning Code for (1)Bungalow separation from required 25' to proposed 17'6" and (2) increasing a non-conforming bungalow from required 271.8 sq.ft. (15%) to proposed 649 sq. ft (44.4%).

Property is located at 162 Fraser Road, Monticello, NY S/B/L: 8.-1-38 in the SR district with water/sewer.

Satisfactory proof of mailing was submitted.

Joel Kohn-explained the project. The owner stated that he retained a contractor and that the contractor knew how to construct what was on the plans. The contractor obtained a permit from the building department. It would bring out the existing building. Original unit was 4 bed 2 kitchens, 2 families. Part of the plan was to convert it into a single family unit. Creating a loft with the existing height of the roof. Chairman McClernon - no one lives in the second story. Werzberger - No, it's not finished.

Joel Kohn – separation of the buildings isn't changing. Combined the 2 units with an addition. Chairman McClernon – the building department states that there are deficiency in the construction. More inspections will be required. In reality the total unit with the addition will be appx 2400 sq ft.

Chairman McClernon - If they would have stopped construction when they were told to, they could have come to the Board with an agreement and we wouldn't be here today. Joel Kohn – asked the owner to

discuss the stop work order. He claims that the contractor didn't advise the owner. Owner states that they stopped and went no further. Jay Mendels – when this meeting first started, the owner stated that he got a permit, but a stop work order was issued. A permit was issued, just not for the scope of work that was being completed. A stop work order was posted to the building more than once.

Chairman any questions, comment –Jay Mendels – separation was proposed as 17'6" on the site plan it states 20' on one side 23' on the other. Joel Kohn – the site plan was incorrect. It is not changing.

**PUBLIC COMMENT:**

There was no public comment.

**PUBLIC COMMENT CLOSE:**

A motion to close the public hearing was made by Jay Mendels and seconded by Cindy Ruff.  
4 in favor; 0 opposed

**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 for a NEGDEC was made by Jay Mendels and seconded by Sean Walker.

A motion to approve requested bungalow separation variance was made by Jay Mendels and seconded by Sean Walker.  
4 in favor; 0 opposed

**AREA VARIANCE CRITERIA:**

- (1) Whether benefit can be achieved by other means feasible to applicant; All voted yes. Jay Mendels voted yes, the contractor and the homeowner proceeded without guidance. Joel Kohn stated that yes isn't an answer on the question. The question was re-read and Jay Mendels stood by his answer. Joel Kohn – the question is: is there another way to achieve this, Chairman McClernon – yes there is take it down and do it the right way. Joel Kohn-no matter what gets done a variance will still be required. You would be back to the original building and you could start over.
- (2) Undesirable change in neighborhood character or to nearby properties; All voted no, Chairman McClernon- it is the only building with 2 stories and it is in the back.
- (3) Whether request is substantial; All voted yes
- (4) Whether request will have adverse physical or environmental effects; All voted No
- (5) Whether alleged difficulty is self-created; All voted Yes

Chairman McClernon requested a motion for a non-conforming bungalow was made: No motion was made.

Joel asked if they could compromise. McClernon stated we could only approve what was in front of us. Joel Kohn said you could reduce the request. We could just frame it up. Jay Mendels – we can deny it Chairman McClendon have new plans showing the 30% increase to the building department, and come back in front of the board.

A motion to deny requested increasing a non-conforming variance was made by Jay Mendels, second by Chairman McClernon  
4 in favor; 0 opposed

Joel Kohn requested a reason for denial on the record for possible future Article 78 proceedings. McClernon, we are having a denial because the 44% is greater than the 15% and that it is substantial and if it had been done correctly we wouldn't be in this problem to start.

Jay Mendels- the permit that was obtained didn't cover the scope of work that took place and work continued after the stop work order was issued. To me that is blatantly ignoring what was required.

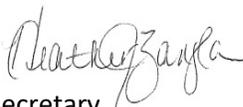
Jay Mendels – we are willing to compromise with people when it is brought up the right way and in this case it wasn't.

The owner questioned what else could be done at this point. Jay Mendels-that is out of our area of expertise as how it needs to be rebuilt. James Carnell to clarify that if the applicant was to remove the sq ft in the loft area and document that it is satisfactory to the building department and the courts that it was completed and the applicant returned to the board, does that seem a little amendable to the board? Jay Mendels-yes that sounds like a compromise and yes we would visit that application. The building department needs to be involved.

James Carnell mentioned to the board that future meetings need to be discussed about getting back into meeting in person again. It is helpful to the applicants. Chairman McClernon – asked about Ipads.

A motion to close the meeting at 8:24 pm was made by Jay Mendels and seconded by Chairman McClernon  
4 In favor; 0 opposed

Respectfully submitted,



Secretary

Town of Thompson Zoning Board of Appeals