

TOWN OF THOMPSON  
ZONING BOARD OF APPEALS  
March 8, 2022

IN ATTENDANCE:      Chairman Richard McClernon                      Phyllis Perry  
                                 Jay Mendels    Sean Walker  
                                 John Kelly    Cindy Ruff, Alternate  
                                 Paula Elaine Kay, Consulting Attorney      Heather Zangla, Secretary  
                                 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 February 8, 2022 minutes was made by John Kelly and seconded by Jay Mendels  
5 in favor; 0 opposed

**DREAMWOOD HOLDING, LLC**

Jose Maleh, Property Owner  
Joel Kohn, Project Representative

This project has been held open from the last meeting.

Jose Maleh – the septic worker was here last week and he located the leach field and it is 15' off of the addition on the back of the house. Joel Kohn – had a copy of the survey map.

Chairman McClernon – Is this going to be placed on the survey? Jim Carnell – the septic won't be affected if the new addition will not be a bedroom.

Paula Kay – read allowed a letter from Bill Dunn from Simply Septic, this letter is sufficient information for the board.

Jay Mendels – the septic tank is under the existing house. Jim Carnell – the house is on piers so the septic isn't affected by anything, it is still accessible.

Joel Kohn – I haven't been involved since the beginning, but he did get a stop work order since the owner stated he thought the contractor was getting a permit. Jay Mendels – the original scope of work was only for interior renovations. Jose Maleh – the addition wasn't part of it originally, I thought the contractor was getting the permit.

The Board had no further questions.

There was no public comment.

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

**AREA VARIANCE CRITERIA:**

(1) Whether benefit can be achieved by other means feasible to applicant; Phyllis Perry, Chairman McClernon, John Kelly and Sean Walker voted no, Jay Mendels voted yes, they were permitted for one thing and did something else.

(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 variances as requested was made by Phyllis Perry and seconded by John Kelly  
5 in favor; 0 opposed

**AVANI PATEL**

Dharmesh Patel, Owner Representative

Applicant is requesting a variance from 250-7 of the Town of thompson Zoning Code for building height from required 30' to proposed 36'. Property is located on Old Sackett Road, Rock Hill, NY S/B/L: 52.-1-17.18 in the SR zone.

Proper proof of mailings were submitted.

Dharmesh Patel – Basically we are looking to build a new house and need the extra height for the interior look. There are other homes on the street that look similar, the house will be set back from the road so not to visible from the road.

Jay Mendels – what is the interior going to be since you need the extra height? Dharmesh – we want 10-foot ceilings.

What are the surrounding properties? Dharmesh Patel – there is a right of way on one side and the other is vacant land. The prior owner started to clear the land already, but still wooded.

The board had no further questions.

There was no public comment.

A motion to close the public comment was made by Jay Mendels and seconded by John Kelly

5 in favor; 0 opposed

AREA VARIANCE CRITERIA:

(1) Whether benefit can be achieved by other means feasible to applicant; All voted yes Phyllis Perry the height of the roof doesn't need to be that high. Jay Mendels, Chairman McClernon, John Kelly and Sean Walker all agreed

(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 requested variance was made by Jay Mendels and seconded by Sean Walker  
5 in favor, 0 opposed

**RINKESH PATEL**

Dharmesh Patel, Owner representative

Proper proof of mailings were submitted.

Applicant is requesting a variance from 250-7 of the Town of thompson Zoning Code for building height from required 30' to proposed 36'. Property is located on 400 Old Sackett Road, Rock Hill, NY S/B/L: 52.-1-17.9 in the SR zone.

Dharmesh Patel – this house was destroyed by fire and they are looking to rebuild. The same foot print will be used but just going higher.

Jay Mendels – the variance is due to the interior ceilings being 10 feet. Dharmesh Patel – yea that is correct.

Paula Kay – do you know the original height of the house? Dharmesh Patel – I believe it was about 34 feet.

Elizabeth Lauterstein – 384 Old Sackett – I am not comfortable with this height. I live in a ranch house. We have followed all the proper codes and the look of the neighborhood. I feel that it would affect the value of my house. We had to move closer to Mr. Patels property and this house will be taller than what was there before. I was fine with that house but not this one. I feel that the extra 2 feet will make a big difference. John Kelly – there has always been a house there though. Chairman McClernon – it is only 2 feet. Chairman McClernon – we have new people building modern houses now. The zone code hasn't changed. Lauterstien – I am asking you not to approve this variance, I don't want to lose my privacy. Chairman McClernon – this house will probably increase your value of your property.

Cindy Ruff – is there a lot of trees between the properties? Dharmesh Patel – you can see the roofs of the homes, but lots are wooded.

Jim Carnell – maybe to clarify for the board, this was an existing dwelling and there is no need to further clear the lot.

The board had no further questions.

A motion to close the public hearing was made by Phyllis Perry and seconded by Jay Mendels  
5 in favor; 0 opposed

**AREA VARIANCE CRITERIA:**

- (1) Whether benefit can be achieved by other means feasible to applicant; All voted yes
- (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 requested variance was made by John Kelly and seconded by Jay Mendels  
5 in favor; 0 opposed

**WEBSTER YOUNG**

Proper mailings were not done. The mailings will be done properly for the next meeting.

**149 WINSTON DRIVE**

Antonio Jaramillo, Property owner

Applicant is requesting a variance from 250-7 and 250-21B(4) of the Town of thompson Zoning Code for (1) front yard setback from required 50' to proposed 26.6' (2) Percentage of lot coverage from required 10% to proposed 12% and (3) increasing a non-conforming structure.

Proper proof of mailings were submitted

Antonia Jaramillo –I don't like the way it looks with the little stoop. I want to extend the deck the length of the house. Jim Carnell – the stairs and required landing are exempt from the variance. Jay Mendels – you just want to go the length of the sliding doors.

The board had no further questions.

There was no public comment.

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

AREA VARIANCE CRITERIA:

(1) Whether benefit can be achieved by other means feasible to applicant; Phyllis Perry voted Yes. Jay Mendels, Chairman McClernon, Sean Walker and John Kelly 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 requested variance was made by Jay Mendels and seconded by John Kelly  
5 in favor; 0 opposed

A motion to close the meeting at 7:40 pm was made by Jay Mendels and seconded by Sean Walker  
5 In favor; 0 opposed

Respectfully submitted,

Heather Zangla, Secretary  
Town of Thompson Zoning Board of Appeals