

APPROVED

TOWN OF THOMPSON  
ZONING BOARD OF APPEALS  
May 9, 2023

IN ATTENDANCE: Jay Mendels, Acting Chairman      Darren Miller, Alternate  
Phyllis Perry      Cindy Ruff, Alternate  
John Kelly, Jr.      Laura Eppers, Secretary  
Sean Walker      Paula Kay, Consulting Attorney  
James Carnell, Director of Building/Planning/Zoning

Jay Mendels called the meeting to order at 7:00 p.m. with the Pledge to the Flag.

A motion to approve the March 28, 2023 minutes was made by John Kelly and second by Cindy Ruff.  
All in favor, 0 opposed.

A motion to approve the April 11, 2023 minutes was made by Phyllis Perry and second by Sean Walker.  
All in favor, 0 opposed.

Jay Mendels appointed Cindy Ruff as a voting member for tonight's meeting.

**APPLICANT: RICHARD HINDLEY**

140 Wildcat Road  
Monticello, NY  
S/B/L: 18.-1-79  
Richard Hindley, Property owner

Applicant is requesting an Area Variance from §250-8 of the Town of Thompson Zoning Code for (1) Age of a replacement mobile home older than the required 10 years old, or newer. Property is located on at 140 Wildcat Road, Monticello, NY. S/B/L: 18.-1-79. In the Zone: RR-1

Jay Mendels read the legal notice aloud.

This project was held open from last month's meeting.

Jay Mendels – Please tell us the progress you have made since the last time you were in front of us.  
Richard Hindley – I made some progress. I don't have the dumpster full yet because my son and his family have been away on vacation. Jay Mendels – This is the second dumpster, right? Richard Hindley – Yes. The first one was filled and took away. Jay Mendels – What is in the dumpster, metal or other kinds of debris? Richard Hindley – All metal. Jay Mendels - And are you selling that? Richard Hindley – No, I am giving it to them for their help. Jay Mendels – Okay. It's nice that you can clean up some stuff with no out-of-pocket cost to you. Richard Hindley – Yep. Jay Mendels – Has the shed by the road been removed? Richard Hindley – Yes. That went with the first dumpster. Jay Mendels – Previously one of your neighbors brought up an issue with his driveway being blocked, I think with the new mobile home. Has that been taken care of? Richard Hindley – Yes. Jay Mendels – Another issue was stuff going over

the property line onto your neighbor's property. Richard Hindley – I have taken care of that. I moved the truck that was there. Jay Mendels – Okay. So, there are no other issues with things being on other properties? Richard Hindley – Nope. Jay Mendels – One concern we had is that if approved, the work will stop and there is still a lot that needs to be done. Richard Hindley – The work won't stop. It has just been slow with the rainy weather over the last couple of weekends, but it has not stopped. Jay Mendels – The concern is what the front yard looks like and if there will be stuff in front of your trailer. Richard Hindley – There won't be anything in front. I bought a motor for the Toyota that is there so that will be moved. Jay Mendels – Looking at the photos we took today, it looks like there is a pile of tires. Do have plans to get rid of those? Richard Hindley – Yes. We are taking them up to the dump and actually took some the other day. Jay Mendels – Do you have a time frame for when they will all be gone? Richard Hindley - I don't know. We will take a couple every time we make a trip to the dump. Cindy Ruff – Does the tractor in this picture run? Richard Hindley – Yes. Cindy Ruff – Is that what you have been loading the dumpster with? Richard Hindley – Yes. Cindy Ruff – And what about this car back here? Richard Hindley – It is a 1965 Rambler and it is going to my nephew in Middletown. Paula Kay – Do you have a time frame on when that car will be going? Richard Hindley – Probably within the next couple of weeks. If you noticed, I have a car trailer there and once we put lights and stuff on it, we can use it to move the car. Jay Mendels – You already said there is nothing over the property, just make sure it stays that way. Richard Hindley – Okay. Paula Kay – And nothing on the road. Richard Hindley – Okay. Jay Mendels – Presently you are still staying in the camper on the property, correct? Richard Hindley – Yes. Cindy Ruff – How much more work do you have to do on the mobile home before you can get in it? Richard Hindley – Not a whole lot. I have the electric there, but the septic and water have to be hooked up. Cindy Ruff – If we were to approve this, how long do you think it will take before you can live in the mobile home? Richard Hindley – I'm not sure because I am having issues with my heart and have been going back and forth to appointments a lot. Cindy Ruff – Okay because we would like to see you out of the camper because that is not ideal long-term living. Richard Hindley – I know. Sean Walker – I'm glad to see there is progress being made. Phyllis Perry – Yes, keep up the good work. Richard Hindley – Thank you.

No further questions or comments from the Board.

Paula Kay – Before you go through the criteria, I just want to state that it is just for the variance request that was brought in front of you and not everything else we have been discussing. Jay Mendels – Right, which is for the mobile home that is older than 10 years.

- (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; 4 voted yes & 1 voted no (Cindy Ruff)

Jay Mendels – I think the Board is ready to vote on this and give you your approval tonight with some contingencies built in and those contingencies are:

- Make sure nothing goes over the property line or in the road
- The pile of tires is removed

- The Rambler be removed
- The front yard stay cleaned up at all times

Do you understand what we are asking of you and why? Richard Hindley – Yes.

A motion to approve the requested variance, subject to above listed contingencies, was made by Cindy Ruff and second by Phyllis Perry.  
All in favor, 0 opposed.

**APPLICANT: JW MONTICELLO PROPERTY LLC**

167 Serenity Lane  
Monticello, NY  
S/B/L: 49.-1-4.15  
Ken Ellsworth, Project representative

Applicant is requesting a Area Variance from §250-16 of the Town of Thompson Zoning Code for (1) Accessory building closer to the street than the main building, which is not permitted. Property is located at 167 Serenity Lane, Monticello, NY. S/B/L: 49.-1-4.15. In the Zone: HC-2

Jay Mendels was recused and appointed John Kelly as acting chairman.

John Kelly appointed Darren Miller as a voting member for this project.

Paula Kay explained that the request for the use variance was discussed in the work session prior to the start of the meeting and it was determined that the use variance would not be needed. A parking garage is an allowed accessory use in the HC-2 district. Therefore, the only variance being requested and discussed tonight will be for the area variance.

John Kelly read the legal notice aloud.

Proof of mailings were received.

Ken Ellsworth – When looking at the site plan submitted, the shaded area is where we are proposing to put the structure and it is about 2 feet in front of the main dwelling. The structure is 12x25x8.5 and has glass on 3 of the 4 sides, for the purposes of being able to see the car that will be in there. I assume it is one of the cars that will be traveling around the track. Cindy Ruff – Do you have a picture of the structure? Ken Ellsworth – Elevation views of it should have come with the rest of our submittal. Jim Carnell – I know Mike brought a picture in when we had our initial discussion, but it may be with the building application and plans. Like I mentioned in the work session, it is a kit that is shipped and assembled on-site and I believe it comes with its own claimant control system. Like Ken mentioned, I think 3 of the sides are glass and the back of it is solid for the display effect. Cindy Ruff – That makes sense. It's kind of like a store front, but not. Paula Kay – You are basically looking at a really nice car. Ken Ellsworth – I will make sure the information on the structure gets sent in to have on record. Jim was correct in that everything is self-contained and it's its own little climate-controlled box. Cindy Ruff – Will it have garage doors on it, or maybe barn style doors, to get the car in and out? Ken Ellsworth – There are 2 out swinging doors on one of the 12-foot sides. Phyllis Perry – Do you have the name of the

company who makes this? Maybe we can look up what it will look like. Ken Ellsworth – It is Fahrengold. Phyllis Perry – Great. That pulled some picture right up and I will show them to the rest of the Board just so that we can have a better idea of what it will look like.

There was no public turn out.

A motion to close the public hearing was made by Phyllis Perry and second by Cindy Ruff.  
All in favor, 0 opposed.

(1) Whether benefit can be achieved by other means feasible to applicant; 4 voted no & 1 voted yes  
(Cindy Ruff)

(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 approval the requested variance was made by Sean Walker and second by Phyllis Perry.  
All in favor, 0 opposed.

**APPLICANT: 180 WAVERLY AVE**

180 Waverly Ave.

Monticello, NY

S/B/L: 29.-2-14

Joel Kohn, Project representative.

Applicant is requesting an Area Variance from §250-21C (1) and §250-7 of the Town of Thompson Zoning Code for (1) One side yard setback with reduction from required 11.25' to proposed 7.1'. Property is located on at 180 Waverly Ave, Monticello, NY. S/B/L: 29.-2-14 In the Zone: SR with central W/S

Jay Mendels read legal notice aloud.

Proof of mailings were received.

Joel Kohn – We were last here in December 2022 and at that time this property was not in the sewer district so we were asking for a total of 4 variances. Since then, we have gotten the approval to extend the sewer district to include this property, which reduced the required variances down to 1. Just to remind the Board this foundation is in the ground already and it is on an angle so only a corner of the building is in the setback, not the whole side. Jay Mendels – Can you tell us why it was put there and not further to the side to stay within the setbacks? Joel Kohn – It was supposed to be aligned with the road instead of the property, which is at an angle, but the guys who poured the concrete messed up and it did not end up aligned with the street. They just did not pour it right from the property lines. Jay Mendels – As we understand from the last time you were here, this project was started before getting a building permit, right? Joel Kohn – Yes. They submitted a building application to the Building Dept. and

started working on it before they got their permit. Paula Kay – Has any additional work been done since the last time you were here? Joel Kohn – No. The foundation was poured but nothing else has been done. Jay Mendels – Is it actually a poured foundation there or is it just footings in place? Joel Kohn – It is a full foundation that was done with 4 feet of crushed stone and a layer of poured concrete on top of that. I also wanted to point out that there is a NYSEG easement that runs along the property line neighboring the parcel next door, so they will never be able to build close to that line. Plus, we got a letter from the neighbor, which I read last time and is in the Google Drive, stating that he does not have an issue with them encroaching in the setbacks. Paula Kay – The letter is in the Drive and it is from Alan Zaretsky. The letter is dated for December 1, 2022, when there were quite a few more variances being requested, and he didn't have any objection then.

There was no public turn out.

A motion to close the public hearing was made by John Kelly and second by Phyllis Perry.  
All in favor, 0 opposed.

(1) Whether benefit can be achieved by other means feasible to applicant; 4 voted yes & 1 voted no  
(Cindy Ruff)

(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 Phyllis Perry and second by Cindy Ruff.  
All in favor, 0 opposed.

A motion to close the meeting was made by Sean Walker and second by John Kelly.  
All in favor, 0 opposed.

Respectfully submitted,

Laura Eppers  
Secretary  
Town of Thompson Zoning Board of Appeals