

TOWN OF THOMPSON
ZONING BOARD OF APPEALS
April 8, 2025

IN ATTENDANCE: Richard McClernon, Chairman Laura Eppers, Secretary
Jay Mendels Michael Mednick, Acting Attorney
Phyllis Perry
Sean Walker
Darren Miller, Alternate
Dana Heimbach, Alternate
James Carnell, 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 December 10, 2024 minutes was made by Dana Heimbach and seconded by Jay Mendels.

All in favor, 0 opposed

A motion to approve the January 14, 2025 minutes was made by Dana Heimbach and seconded by Sean Walker.

All in favor, 0 opposed

A motion to approve the February 11, 2025 minutes was made by Phyllis Perry and seconded by Jay Mendels.

All in favor, 0 opposed

Chairman McClernon appointed Dana Heimbach and Darren Miller as voting members for tonight's meeting.

APPLICANT: ESTHER FRIEDMAN REVOCABLE TRUST

515 Sackett Lake Road
Monticello, NY
S/B/L: 45.-6-5.2
Eric Levesque, Representative from Majestic Pools

This project was held open from last month's meeting. The public hearing was not, and was closed at that meeting.

Eric Levesque explained that they were able to get a site plan showing all dimensions and the right-of-way. They also shifted the pool back towards the house so that it is now 80 feet from the road, instead of the originally proposed 60 feet.

The Board had the following questions and comments:

- We see some proposed landscaping between the pool and the house, but we had asked to see some year-round trees between the pool and the road.
- Feels the request does not fit in with the residential neighborhood.
- Is the wood deck and patio already build?

Eric Levesque advised that the patio has not been built yet.

- Can the pool be pushed back more?

Eric Levesque stated that he can run it by the applicant, but they want it where it is proposed for safety reasons. They can see the whole pool from the house.

No further questions/comments.

The Board agreed to vote on both variance requests together.

- (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 yes
- (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

After some discussion the Board determined unfortunately there is no other place for the pool to be place on the property, but the request just does not fit in with the residential neighborhood and they are not comfortable approving it.

A motion to deny all variance requests was made by Jay Mendels and seconded by Sean Walker.
All in favor, 0 opposed

APPLICANT: ANJ REALTY ROCK HILL INC

271 Lake Louise Marie Road
Rock Hill, NY
S/B/L: 52.-1-9

No one in attendance for this application.

A motion to take the agenda out of order, to give time for someone to appear, was made by Jay Mendels and seconded by Dana Heimbach.
All in favor, 0 opposed

APPLICANT: JOSEPH EHRENFELD, TRUSTEE

695 Heiden Road
Monticello, NY

S/B/L: 15.-1-27

Jacob Billig, Applicant Attorney

Applicant is requesting an Area Variance from §250-18A & 33B of the Town of Thompson Zoning Code for (1) Swimming Pool setback from required 50' to proposed 20' (2) Pool fence height from required 6' to proposed 12'. Property is located at 695 Heiden Road, Monticello, NY. S/B/L: 15.-1-27. In the Zone: RR-1

Chairman McClernon read the legal notice aloud.

Jacob Billig explained that he was here last month, but didn't realize the mailings were not done. The mailings have now been completed and proof of mailings supplied. He also explained that the variances being requested are for a pool that is in the side yard setback and has a fence that is taller than allowed; for religious reasons. He submitted correspondence to the Board going through the criteria and responding to each section.

The Board had the following questions/comments:

- How old is the pool?

Jacob Billig advised that he is not sure, but it is not as old as the colony. Maybe 3-5 years old. Chairman McClernon pulled up a Google image of the property from 2023 and the pool was not there.

- Is it an above ground pool?

Jacob Billig advised that it is an above ground pool.

- It looks like it is partially in the ground?

Jacob Billig stated that he believes it is an above ground pool that is partially in ground.

- Jim Carnell stated that the pool would need to be regulated by the DOH. Was it ever submitted to them?

Jacob Billig advised that he is not sure, but will find out.

- Why did they place it so close to the property line?

Jacob Billig advised that he was not sure and pointed out that there are some trees in between. There are no leaves on the trees in the pictures provided, but there is more of a buffer in the spring and summer when they are in full bloom.

- There is plenty of other space on the property the pool can go. If a permit was pulled prior to installing the pool, they would have known it couldn't go where it currently is.

Jacob Billig advised that there were a lot of violations on this property and they have been working to clear them up. This is the last piece that needs to be addressed.

- Should relocate the pool.

Jacob Billig advised that will be a great expense to them and pointed out that the Board has approved other requests of this nature. The Board stated that each application has its own set of circumstances.

- Will there be any extra noise to the neighboring property?

Jacob Billig advised that there may be some noise as it is a pool, but moving it in the additional 30 feet required will not make a difference in that aspect. The Board responded that if there was the required 50 feet, there would be more room for additional screening.

- Per the pictures provided it looks like some art/murals were painted on the pool fencing. Is the pool fence painted on the neighbor's side?

Jacob Billig advised that it is painted, but believe it is solid white.

No further questions or comments at this time.

The meeting was opened up to the public for comment. No public for this application.

A motion to close the public hearing was made by Jay Mendels and seconded by Darren Miller.
All in favor, 0 opposed

- (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 yes
- (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

After some discussion the Board determined that if this was handled correctly from the beginning, the applicant would only need a variance for the fence height, which they understand and are okay with.

The Board agreed to vote on the variance requests separately.

Chairman McClernon asked for a motion to approve the variance request for the pool setback. No motion was made.

A motion to deny the variance request for the pool setback was made by Jay Mendels and seconded by Phyllis Perry.
All in favor, 0 opposed

A motion to approve the variance request for the pool fence height was made by Jay Mendels and seconded by Phyllis Perry.
All in favor, 0 opposed

APPLICANT: TARA ACRES PARTNERS LLC

968 Old Liberty Road
Monticello, NY
S/B/L: 2.-1-29
Moshe Attie, Representative

This project was held open from last month's meeting, so the legal notice was not read aloud.

Moshe Attie explained that they were here at last months meeting and since then, they were able to eliminate 5 variance requests; for the main building (request #24), Unit 3 (request #2 & 3), and Unit 1B (request #1 & 15). A letter was submitted explaining why they no longer require these variances. They are currently working on the sewer; Units 5, 8, 9, 15, 16, 18, & 19 all have added bedrooms.

The Board had the following questions/comments:

- Will need to grade all the way around the unit, not just around the deck.

- Want to see a table showing the breakout of all percentages to clearly show the expansion; the original unit size, size of addition/deck, and size of unit including the addition.
- Suggested that maybe some units can convert their decks into patios, so that the additions would not be included in the unit expansion and percent of lot coverage.

Moshe Attie mentioned that Unit 10 could potentially do that. He will mention it to the unit owners.

- Noticed some units with additions are not included and all decks/additions should be included in the total square footage no matter how old they are.
- Unit 9 is excessive.
- What is happening with unit #20?

Moshe Attie advised they have nothing proposed at this time, but they may be working to fix a violation.

- Are there individual owners for each unit?

Moshe Attie advised that from a legal perspective the occupants do not individually own their own units, but they do occupy the same unit each year, so from a practical perspective, they do.

No further questions or comments from the Board.

The meeting was opened up to the public for comment. No public at this time.

The applicant to work on possibly getting some decks removed or converted into patios to help with the percent of lot coverage, unit expansion, and/or separation distance and provide a chart showing the percentages requested.

A motion to leave both the application and the public hearing open until next month's meeting, May 13, 2025, was made by Jay Mendels and seconded by Phyllis Perry.
All in favor, 0 opposed

APPLICANT: ANJ REALTY ROCK HILL INC

271 Lake Louise Marie Road
Rock Hill, NY
S/B/L: 52.-1-9

At the end of the meeting, there was still no applicant/representative in attendance for this application. However, there was public in attendance, so the Board opened up the meeting to the public.

Gyule Gyelis @ 12 Crescent View - Had the below concerns:

- Project will increase traffic.
- Project will affect the character of the neighborhood.
- Project will affect property values.
- Applicant is only concerned about making a profit and not becoming part of the community.

Kailyn Haas, representative for The Center for Discovery – Stated she was here tonight to clear up that The Center for Discovery has no affiliation with the application. There was some mention of them at the last meeting and the possibility of some of their employees renting the proposed apartments, but they are not involved at all.

There was also written comment submitted for this meeting:

Kathleen Tobin email -

https://drive.google.com/open?id=1le7uUfq_tcuOPz1R0WtrrviE6Ux9XCc0&usp=drive_fs

Maribel Anota email -

https://drive.google.com/open?id=1V0l8zYBrOrT7pw4S476K5ZwNJx8dAZmw&usp=drive_fs

Karen Bennett email - https://drive.google.com/open?id=1x_Qf1W6PoJxGi-oY1c_qCHrBWsg0TaOL&usp=drive_fs

Per the request of Richard McElrath, Chairman McClernon read his email aloud.

Richard McElrath & Patricia Galligan email -

https://drive.google.com/open?id=1zJjvdNriGa97Q7fdeWqpefKBcO6s3dyT&usp=drive_fs

No further questions or comments from the public.

The Board agreed to leave this application and public hearing open until next month's meeting to give the applicant another chance to appear.

A motion to leave both the application and the public hearing open until next month's meeting, May 13, 2025, was made by Jay Mendels and seconded by Phyllis Perry.

All in favor, 0 opposed

A motion to close the meeting at 8:23 p.m. was made by Phyllis Perry and seconded by Dana Heimbach.

All in favor, 0 opposed

Respectfully submitted,

Laura Eppers

Secretary

Town of Thompson Zoning Board of Appeals