

TOWN OF THOMPSON
ZONING BOARD OF APPEALS
June 10, 2025

IN ATTENDANCE: Richard McClernon, Chairman Darren Miller, Alternate
Jay Mendels Dana Heimbach, Alternate
Phyllis Perry Laura Eppers, Secretary
Sean Walker Steve Vegliante, Attorney
Cindy Ruff
James Carnell, Building Planning, Zoning

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

There was no Zoom option for this meeting due to technical difficulties.

A motion to approve the May 13, 2025 minutes was made by Phyllis Perry and seconded by Sean Walker.

All in favor, 0 opposed

APPLICANT: RICHARD STEINBERG

10 High View Terrace
Rock Hill, NY
S/B/L: 55.-4-17.7

This application/public hearing was held open from last month's meeting, due to mailings not being done. The mailings were done for this meeting; however, the applicant could not provide proper proof of mailings. The Board agreed to hold the application/public hearing open for another month.

As the legal notice for this meeting was properly published in the paper, the Board opened up the meeting for any public comment. No public in attendance for this meeting.

A motion to hold both the application and the public hearing open until the next meeting, July 8, 2025, was made by Jay Mendels and second by Sean Walker.

All in favor, 0 opposed

APPLICANT: VINCENT MARINO

536 Starlight Road
Monticello, NY
S/B/L: 41.-1-39.5
Marvin Newberg, Attorney
Vincent Marino, Applicant

Applicant is requesting an Area Variance from §250-16B of the Town of Thompson Zoning Code for (1) Accessory building closer to the road than the main building – not permitted. Property is located at 536 Starlight Road, Monticello, NY. S/B/L: 41.-1-39.5. In the Zone: RR-2

Chairman McClernon read the legal notice aloud.

Proof of mailings were received.

Marvin Newberg explained that this property does not have electric service provided to it, even though the houses to both sides have electric service to them. They did petition the property owners on both sides to try and get the necessary easements for a NYSEG right-of-way, but that was unsuccessful. The property owner has now resorted to installing roof mounted solar panels on their existing shed. However, the existing shed requires a variance as it is closer to the road than the house.

The Board had the following questions/comments:

- What about the metal container that is currently on the property?

Vincent Marino advised that it will be sided, so as to not look like a land & sea container, but they put that on hold until they get through this process.

- Feels this is a creative solution to this unfortunate situation.

No further questions/comments from the Board.

The meeting was opened up to the public for comment. No public in attendance for this meeting. No written comment received.

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

(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 no and 1 voted yes (Jay Mendels)

A motion to approve the variance as requested was made by Jay Mendels and seconded by Cindy Ruff.
All in favor, 0 opposed

APPLICANT: BERNARD PRIMIANO

149 Starlight Drive

Monticello, NY

S/B/L: 57.-2-1

Bernard Primiano, Applicant

Ben Primiano, Applicant's Father

Applicant is requesting an Area Variance from §250-16B of the Town of Thompson Zoning Code for (1) Accessory building closer to the road than the main building – not permitted. Property is located at 149 Starlight Drive, Monticello, NY. S/B/L: 57.-2-1. In the Zone: RR-2

Chairman McClernon read the legal notice aloud.

Proof of mailings were received.

Bernard Primiano explained that they are looking to replace the existing shed with a pole barn that will be in a bigger footprint.

The Board had the following questions/comments:

- How far away from the road will the pole barn be?

Bernard Primiano advised that he is not sure of the exact distance, but would say at least 40 feet away.

- Will the pole barn be open sided?

Bernard Primiano advised it will be closed with a door on one side.

- Was the work started already?

Bernard Primiano advised that they have demo'd the shed.

- Will the pole barn be the same distance from the road as the shed was?

Bernard Primiano confirmed that is correct.

- What about the metal contain that is currently on the property?

Bernard Primiano advised that they would like to keep it and side it.

- Okay with keeping the metal container as long as it gets sided. However, unless it is moved, it may require a variance as well as it is also closer to the road than the house.
- Requested it be put in writing that the metal container will be sided to match the house.
- Requested a better plan showing all dimensions, the footprint/location of the old shed, and the metal container. Suggested they use a survey.

No further questions/comments from the Board.

The meeting was opened up to the public for comment. No public in attendance for this meeting. No written comment received.

A motion to close the public hearing was made by Phyllis Perry and second by Sean Walker.

All in favor, 0 opposed

The Board agreed to keep the application open until next month's meeting to allow the applicant time to submit a revised site plan.

A motion to hold this application open until next month's meeting, July 8, 2025, was made by Jay Mendels and second by Cindy Ruff.

All in favor, 0 opposed

APPLICANT: 1 SCHROEDER

1 Schroeder Street

Monticello, NY

S/B/L: 30.-6-1

Shmiel Breuer, Representative

Efroim Halpert, Applicant

Applicant is requesting an Area Variance from §250-11 of the Town of Thompson Zoning Code for (1) Service Establishment front yard setback from required 50' to proposed 21.4' (2) Service Establishment side yard setback from required 35' to proposed 26.1'. Property is located at 1 Schroeder Street, Monticello, NY. S/B/L: 30.-6-1. In the Zone: HC-2 with central W/S.

Chairman McClernon read the legal notice aloud.

Proof of mailings were received.

Shmiel Breuer explained that they are proposing to construct an addition on the existing building for permanent storage purposes, per the Planning Board's request.

Steve Veglainte added that this project has been in front of the Planning Board two summers in a row now seeking approval for temporary storage. The Board approved the temporary storage again for the upcoming summer season, but requested the applicant figure out permanent storage going forward.

The Board agreed that they are okay with the variances being requested, as this applicant has already been in front of the Planning Board and they are here at their request.

The meeting was opened up to the public for comment. No public in attendance for this meeting. No written comment received.

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

The Board agreed to vote on both requested variances 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 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 all variances as requested was made by Jay Mendels and seconded by Phyllis Perry.
All in favor, 0 opposed

APPLICANT: EDWARD DEMAIO

7 Morreale Drive
Rock Hill, NY
S/B/L: 66.-25-3
Tim Gottlieb, Representative

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 27' (2) Rear yard setback from required 50' to proposed 23' (3) Percent of lot coverage from required 10% to proposed 14.9%. Property is located at 7 Morreale Drive, Rock Hill, NY. S/B/L: 66.-25-3. In the Zone: RR-2.

Chairman McClernon read the legal notice aloud.

Proof of mailings were received.

HOA approval was received.

Tim Gottlieb explained that the applicant is proposing to construct a new house in a slightly bigger footprint than the previous house, located in the Wolf Lake community. Due to the size of the property, they will not be able to avoid encroaching into the setbacks and therefore will require some variances.

The Board had the following questions/comments:

- Size of the proposed house is not unreasonable and it appears to be centered nicely on the property.
- What was the lot coverage of the previous house?

Tim Gottlieb advised it was 12.7%.

No further questions/comments from the Board.

The meeting was opened up to the public for comment. No public in attendance for this meeting. No written comment received.

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

The Board agreed to vote on all requested variances 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 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 all variances as requested was made by Phyllis Perry and seconded by Jay Mendels.
All in favor, 0 opposed

APPLICANT: JUMPCHA

410 State Route 17B

Monticello, NY

S/B/L: 12.-1-62.3

Isaac Lichtenstein, Applicant

Applicant is requesting an Area Variance from §250-12 of the Town of Thompson Zoning Code for (1) Animal housing setback from property lines from required 150' to 50' (2) Animal housing setback from property lines from required 150' to 117' (3) Keeping of no more than 2 farm animals on lots under 5 acres from required Max. 2 to proposed 32. Property is located at 410 State Route 17B, Monticello, NY. S/B/L: 12.-1-62.3. In the Zone: Cl.

Chairman McClernon read the legal notice aloud.

Proof of mailings were received.

Isaac Lichtenstein explained that this is an existing outdoor recreational site and they are now looking to have a petting zoo.

Jim Carnell added that this project went to the Planning Board first, who referred the project to this Board. It is an allowed use in the zone, but they would require 150 feet on both sides, and the whole lot is only approximately 190 feet wide. Also, the number of animals being proposed would require a variance. The reason for these requirements is to help with the odor produced by the animals.

The Board had the following questions/comments:

- Is this pretty much an existing amusement park?

Isaac Lichtenstein confirmed that is correct.

- Where would the animals be coming from?

Isaac Lichtenstein advised they would come from a facility located on Happy Ave. in Bethel.

- Would they be brought in and picked up the same day?

Isaac Lichtenstein advised they can do whatever the Board wants.

No further questions/comments from the Board.

The meeting was opened up to the public for comment.

Susan Poli, neighboring property owner – Not in favor of the request and had the below comments:

- Never received notice of this project.
- They brought in some animals last year and her tenant complained the smell was terrible.
- Concerned that there won't be proper cleanup.

No further comments from the public.

A motion to close the public hearing was made by Jay Mendels and second by Sean Walker.
All in favor, 0 opposed.

The Board agreed to vote on all requested variances 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 yes
- (5) Whether alleged difficulty is self-created; All voted yes

No motion made to approve.

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

The applicant asked if there was anything they could do, such as reducing the number of animals, to get an approval. The Board advised that they just do not have the required space needed to have a petting zoo on this property. The ask is not a small or reasonable one and the smell that the animals will put off would not be fair to the neighbors.

APPLICANT: MIKE TAYLOR (MAUDE CRAWFORD REALTY)

452 Bridgeville Road
Monticello, NY
S/B/L: 32.-2-23
Glenn Smith, Representative

Applicant is requesting an Area Variance from §250-11 of the Town of Thompson Zoning Code for (1) Multiple dwelling lot size from required 10 acres to proposed 3.7 acres (2) Multiple dwelling habitable floor area from required 1,000 sq. ft. to proposed 150 sq. ft. (3) Multiple dwelling density from required 7 units to proposed 15 units. Property is located at 452 Bridgeville Road, Monticello, NY. S/B/L: 32.-2-23. In the Zone: HC-2 no central W/S.

Chairman McClernon read the legal notice aloud.

Proof of mailings were received.

Glenn Smith explained that this is the old Homestead property that has been purchased by Mike Taylor, who also owns the Holiday Mountain property down the road. He is proposing to construct a staff housing building for employees that will work for the summer camp at Holiday Mountain.

The Board had the following questions/comments:

- Is there any way to combine this lot and the Holiday Mountain property?

Glenn Smith advised that they are not contiguous parcels; only the corners of them touch.

- Is there any place on the Holiday Mountain property to put this building?

Glenn Smith advised there is not.

- Will the building be for staff housing only?

Glenn Smith confirmed that is correct. Steve Vegliante added that there are no proposed kitchens in the units.

No further questions/comments from the Board.

The meeting was opened up to the public for comment. No public in attendance for this meeting. No written comment received.

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

The Board agreed to vote on all requested variances 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 no

(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

The Board agreed that they are okay with the variance requests as it will be part of a bigger project, as long as it is used for staff housing for that property only.

A motion to approve all variances as requested, subject to them being a limited use for the Holiday Mountain employees/site only, was made by Jay Mendels and second by Richard McClernon. All in favor, 0 opposed

APPLICANT: BRENDAN MCSWEENEY

129 East Road
Rock Hill, NY
S/B/L: 66.-48-3

Applicant is requesting an Area Variance from §250-9 of the Town of Thompson Zoning Code for (1) One side yard setback from required 20' to proposed 14' (2) Combined side yard setbacks from required 50' to proposed 33.5'. Property is located at 129 East Road, Rock Hill, NY. S/B/L: 66.-48-3. In the Zone: RR-2.

Chairman McClernon read the legal notice aloud.

Proof of mailings were received.

Received HOA denial letter.

Brendan McSweeney explained that he is looking to construct an addition onto the kitchen and a deck off of that addition, which will be in the same location as the old deck.

The Board had the following questions/comments:

- What was the footprint of the old deck?

Brendan McSweeney advised he is not sure, but the new deck is only proposed to be 1 foot longer.

- It looks like the HOA denied the request, are there any changes that can be made to satisfy them?

Brendan McSweeney advised that he is trying to use the existing posts.

- Can you relocate the deck to the back of the house?

Brendan McSweeney advised that would not work because the chimney is back there and it is currently proposed to be where the second means of egress is.

- Is the deck going to be more than 12 feet tall?

Brendan McSweeney advised that is correct.

- Did you recently purchase the property?

Brendan McSweeney advised that it has been in the family for years.

No further questions/comments from the Board.

The meeting was opened up to the public for comment. No public in attendance for this meeting. No written comment received.

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

The Board agreed to vote on all requested variances together.

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

(2) Undesirable change in neighborhood character or to nearby properties; All voted yes

(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 hold the application open until next month's meeting, July 8, 2025, to give the applicant time to request/obtain a variance from the HOA was made by Jay Mendels and second by Phyllis Perry.
All in favor, 0 opposed

A motion to close the meeting at 8:25 p.m. was made by Jay Mendels and seconded by Sean Walker.
All in favor, 0 opposed

Respectfully submitted,

Laura Eppers

DRAFT