DRAFT

TOWN OF THOMPSON
ZONING BOARD OF APPEALS
November 10, 2026

IN ATTENDANCE: Jay Mendels, Acting Chairman
Phyllis Perry
Cindy Ruff
Darren Miller, Alternate
Shannon Cilento, Alternate
Jim Carnell, Building, Planning, & Zoning
Steve Vegliante, Attorney
Laura Eppers, Secretary

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

Darren Miller and Shannon Cilento were appointed as a voting members for tonight's meeting.

APPLICANT: DEMAIO
7 Morreale Drive
Rock Hill, NY
S/B/L: 66.-25-3
Pat Mickelson, Contractor

Applicant is requesting an Area Variance from §250-9 of the Town of Thompson Zoning Code for (1) Rear yard setback from required 50' to proposed 22.1'. Property is located at 7 Morreale Drive, Rock Hill, NY. S/B/L: 66.-25-3. In the Zone: RR-2

Legal notice was read aloud.

Proof of mailings were received.

Application to HOA was submitted; their approval/denial is forthcoming.

Pat Mickelson explained that the property owners previously applied for and received some variance for a demo, re-build; back in June of 2025. Subsequent to that, the new house was built. However, when the as-built survey was done (by a different surveyor than the one who originally plotted the house out), there was a discrepancy. The house was constructed further back than planned, causing it to be closer to the back property line then previously approved.

The board had the following comments/questions:

- The rear yard variance was originally approved at 23' and the new request is for 22.1; an additional 11 inches.

- Is the discrepancy with the house structure itself or an additional structure, such as a deck or porch?

Pat Mickelson advised it is for the house only.

No further questions/comments from the board at this time.

A motion to open the meeting up to the public for comment was made by Shannon Cilento and second by Cindy Ruff.
All in favor, 0 opposed

Kelly & Rodney Benson @ 226 Wolf Lake Road – Submitted the below letters prior to the meeting and also appeared in person:
11.8.26 Letter and Photos - https://thompsonny.municollab.com/zoning-board-of-appeals/projects/demaio/area-variance/public-comment/public-hearing#fileModal=true&projectDataId=6250cf24-282b-4c14-b16b-38df9e5ba0a2
11.10.26 Updated Letter and Photos - https://thompsonny.municollab.com/zoning-board-of-appeals/projects/demaio/area-variance/public-comment/public-hearing#fileModal=true&projectDataId=8bebe584-6686-4395-9998-2528fad4fddc

Steve Vegliante advised that the letters submitted state that the property owners did not receive notice of the variance(s) requests; however, the proof of mailings show that legal notices were mailed on both occasions. If the mailing address on file is incorrect, that should be updated with the Assessors Office.

Kelly & Rodney Benson reiterated their request that approval be deferred until the ongoing issue with the compromised oak tree, located on the DeMaio property and endangering their home, is addressed (especially as there is an access issue and the owners have not been responsive). In addition, deferring the approval will give the HOA time to issue their approval/denial; which may be held up due to review of the correspondence submitted by them (the same letter submitted to this board).

The board had the following responses:
As to awaiting HOA approval:

- Even though it has been the boards practice in the past to await the HOA's approval before granting their approval; they do not require HOA approval to act.
- The HOA granted approval when the original variances were requested; which were in totality, a much bigger ask. The new request actually still falls within the HOA's zoning requirements; the Town's requirements are more restrictive in the case.
- Grievance can still be sought, with the HOA, even if this board grants the approval tonight.
- HOA was properly noticed of tonight's meeting and the request being made.

As to addressing the tree issue:

- This issue is not pertinent to the variance being requested; leaving the application open for another month would not change anything.
- Appears this issue pre-dates the first set of variances that were requested/granted, and therefore, before any construction was started.

Jim Carnell pointed out that this issue arose when the Building Department requested an as-build survey, as part of the process to finalize the building permit, and this request/approval is holding up the issuance of their certificate of occupancy; which their bank requires for mortgage purposes.

No further public comment.

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

The Board had the following additional questions/comments:

- What happens if we don't grant approval tonight and hold the application open until next month?

Steve Vegliante advised that the board has 62 days to act or approval will be automatically granted.

- Property owner needs to be a better neighbor.

Pat Mickelson advised that the owner has already filed for a tree removal permit, so they are already in the process of address the issue. Their goal is not to be bad or difficult neighbors.

- If we grant the variance tonight, can it be contingent on the tree (located on the DeMaio property) being removed even though it is not relevant to or have any effect on the request being made?

Steve Vegliante advised they can. Jim Carnell added that a condition of that nature would become an enforcement issue for the building Department.

No further questions/comments from the board.

The board went through the following 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 yes

(3) Whether request is substantial; All voted no

(4) Whether request will have adverse physical or environmental effects; 4 voted no and 1 voted yes (Shannon Cilento)

(5) Whether alleged difficulty is self-created; All voted yes

The Board agreed that they would be willing to grant conditional approval tonight, as it sounds like the owners are working on addressing the tree issue. If the tree cannot be removed for any reason, the owners need to return to this board for further discussion.

A motion to approve the variance as requested, subject to compromised tree (located on the DeMaio property) being removed, was made by Phyllis Perry and second by Darren Miller.
All in favor, 0 opposed.

A motion to close the meeting at 7:33 p.m. was made by Cindy Ruff and second by Darren Miller.
All in favor, 0 opposed

Respectfully submitted,

Laura Eppers
Secretary
Town of Thompson Zoning Board of Appeals