

# APPROVED

TOWN OF THOMPSON  
ZONING BOARD OF APPEALS  
April 12, 2022

IN ATTENDANCE: Chairman Richard McClernon  
Jay Mendels  
John Kelly, Jr.  
Paula Kay, Consulting Attorney  
James Carnell, Director of Building, Planning & Zoning  
Phyllis Perry  
Cindy Ruff, Alternate  
Heather Zangla, Secretary

Chairman McClernon called the meeting to order with the Pledge to the Flag.

A motion to approve March 8, 2022 minutes was made by Jay Mendels and seconded by John Kelly.  
5 in favor; 0 opposed

**APPLICANT:**

John Michael Casey  
51 North Shore Road  
Rock Hill, NY 12775  
S/B/L: 36.-2-4

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 15' (2) Percentage of lot coverage from required 10% to proposed 18.9%. Property is located in the RR2 zone.

Proper proof of mailings have been received.

John Casey -I would like to construct a detached garage. Due to the size of the lot, we are unable to meet setbacks. We don't want to have garage doors on it. It will meet the height of 16'.

The Board had no further questions.

There was no public comment.

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

Chairman McClernon appointed Cindy Ruff as a voting member.

- 1) Whether benefit can be achieved by other means feasible to the applicant: All voted no
- 2) Undesirable change in the neighborhood character or to nearby properties: all voted no

- 3) Whether this request is substantial: PP no, 3 yes due to the code
- 4) Whether this 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 this variance as requested was made by Jay Mendels and seconded by Cindy Ruff  
5 in favor

**APPLICANT:**

Jay Kleinfeld  
70 Crescent Circle  
Rock Hill, NY 12775  
S/B/L: 54.-3-27.7  
Tyler Schmidt Property Representative  
Lawrence Cunningham, Property Representative

Applicant is requesting an Area Variance from §250-7 and §250-21B(4) of the Town of Thompson Zoning Code for: (1) one side yard setback from required 15' to proposed 8' (2) one side yard setback from required 15' to proposed 7' (3) combined side yard setback from required 40' to proposed 15' (4) front yard setback from required 40' to proposed 11' (5) percentage of lot coverage from required 20% to proposed 37% (6) increasing a non-conforming. Property is located in the SR zone with central water & sewer.

Proper proof of mailings was not received.

Tyler Schmidt - The property owner wants to add a 10' x 10' addition on the second story with a deck.

Chairman McClernon – it looks like it has already been built. Lawrence Cunningham – explained that it will be an addition to the existing deck. Jay Mendels – so nothing is changing. Lawrence Cunningham - No

The Board had no further questions.

There was no public comment.

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

- 1) Whether benefit can be achieved by other means feasible to the applicant: all voted no
- 2) Undesirable change in the neighborhood character or to nearby properties: all voted no
- 3) Whether this request is substantial: all voted no
- 4) Whether this 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 this variance as requested pending the HOA approval letter was made by Phyllis Perry and seconded by Jay Mendels.  
5 in favor; 0 opposed

No proper public hearing was held and Zoning Board did not make a proper determination.

**APPLICANT:**

Susan Liberman  
447 Sackett Lake Road  
Monticello, NY 12701  
S/B/L: 45.-2-2  
Robbie Victor, Property Representative

A motion to take the agenda out of order was made by Phyllis Perry and seconded by Jay Mendels  
5 in favor; 0 opposed

Applicant is requesting an Area Variance from §250-10 and §250-21B(4) of the Town of Thompson Zoning Code for: (1)one side yard setback from required 15' to proposed 7' (2) combined side yard setback from required 40' to proposed 28' (3) increasing a non-conforming. Property is located in the in the HC-1 zone with central water & sewer.

Proper proof of mailings were received.

Robbie Victor – The property owner would like to build a deck the length of the building. If that isn't allowed, she will shorten the deck.

Jim Carnell – the town water and sewer lines are out there. Shared laterals run through there. We just need verification where the lines are and the variance doesn't encroach the lines.

The Board has no further questions.

There was no public comment.

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

1) Whether benefit can be achieved by other means feasible to the applicant: all voted no

2) Undesirable change in the neighborhood character or to nearby properties: all voted no

3) Whether this request is substantial: all voted no

4) Whether this 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 this variance pending the verification of the sewer laterals as requested was made by Jay Mendels and seconded by John Kelly.

5 in favor; 0 opposed

**APPLICANT:**

Webster Young

105 South Lake Road

Rock Hill, NY 12775

S/B/L: 39.-2-5

John Piazza, Property Representative

Jay Mendels has recused himself from this project.

Applicant is requesting an Area Variance from §250-8 of the Town of Thompson Zoning Code for: (1) Side yard setback from required 20' to proposed 7.3'. Property is located in the in the RR-1 zone.

Proper proof of mailings was received.

John Piazza – we had a surveyor come out and mark the property, but when we started digging, we missed by a few inches.

The board had no further questions.

There was no public comment.

A motion to close the public hearing was made by Cindy Ruff and seconded by Phyllis Perry.

4 in favor; 0 opposed

1) Whether benefit can be achieved by other means feasible to the applicant: all voted no

2) Undesirable change in the neighborhood character or to nearby properties: all voted no

3) Whether this request is substantial: all voted no

4) Whether this 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 this variance as requested was made by John Kelly and seconded by Cindy Ruff.

4 in favor; 0 opposed

**APPLICANT:**

Michael Ward

20 First Road

Rock Hill, NY 12775

S/B/L: 36.-8-6

Applicant is requesting an Area Variance from §250-8 and §250-21B(4) of the Town of Thompson Zoning Code for: (1) one side yard setback from required 20' to proposed 17' (2) one side yard setback from required 20' to proposed 6' (3) increasing a non-conforming. (4) combined side yard setback from required 50' to proposed 23' (5) percentage of lot coverage from required 10% to proposed 23%. Property is located in the RR1 zone.

Proper proof of mailings was received.

Michael Ward – I would like to construct a deck on the lake side of the house. The house sits crooked on the lot. I sent out the proper mailings and also included a letter on my own explaining what I was doing. The HOA came back with a different plan that they wanted me to follow, so we modified our plan.

Cindy Ruff – is this going beyond the trees? Michael Ward – no we enjoy the trees and we won't go near them, we are scaling back the deck.

The Board has no further questions.

There was no public comment.

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

- 1) Whether benefit can be achieved by other means feasible to the applicant: all voted no
- 2) Undesirable change in the neighborhood character or to nearby properties: all voted no
- 3) Whether this request is substantial: Phyllis Perry, John Kelly and Cindy Ruff voted no. Jay Mendels, Chairman McClernon voted yes, but are giving special consideration to the lake communities.
- 4) Whether this 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 this variance as requested was made by Jay Mendels and seconded by John Kelly. 5 in favor; 0 opposed

**APPLICANT:**

Catskill BSD Housing  
4342 State Route 42  
Monticello, NY 12701  
S/B/L: 10.-15-1  
Joel Kohn, Property Representative

Applicant is requesting an Area Variance from §250-10 and §250-21B(4) of the Town of Thompson Zoning Code for: (1) Retail & service front yard setback from required 50' to proposed 2.1' (2) retail & service front yard setback from required 50' to proposed 11.1' (3) retail & service one side yard setback from required 35' to proposed 16.7' (4) retail & service increasing a non-conforming (5)

retail & service lot are from required 40,000 sq ft to proposed 25,378 sq ft. Property is located in the HC-1 zone with central water & sewer.

Proper proof of mailing was received.

Joel Kohn – This site is currently 3 parcels and the proposal is to demo the existing single family onsite and combined the lots. An addition will be constructed on the back side of the building. There are several variances, but some are existing setbacks. This will be improving the site as well as cosmetically work that will be done to the structure.

Jay Mendels – the current use of the building is a restaurant, what will be the future use of the building?

Joel Kohn – it will be retail.

Chairman McClernon - Do you have permission to use the Right of Way? Joel Kohn – this is an easement as part of the property. Paula Kay – the board has the final say, but the board can put a condition on it for the Planning Board to review. Paula Kay – we will need it in writing that you have the rights to it.

Jay Mendels – who will maintain this “road”. Paula Kay – we will have that language in the easement.

Cindy Ruff – will this building be used in the winter? Mr. Kohn – yes it will be, so the road will be maintained.

Jay Mendels – you stated that you will do cosmetic work to the building. Will the new look on the front follow the rest of the building? Joel Kohn – yes it will be uniform. Paula Kay – the building will be cosmetically upgraded all around.

The Board had no further questions.

There was no public comment.

A motion to close the public hearing was made by John Kelly and seconded by Cindy Ruff.

5 in favor; 0 opposed

1) Whether benefit can be achieved by other means feasible to the applicant: all voted no

2) Undesirable change in the neighborhood character or to nearby properties: all voted no

3) Whether this request is substantial: all voted yes

4) Whether this request will have adverse physical or environmental effects: all voted no

5) Whether alleged difficulty is self-created: all voted yes

A motion for a NEGDEC was made by Jay Mendels and seconded by John Kelly.

5 in favor; 0 opposed

A motion to approve this variance as requested contingent on the easement was made by Jay Mendels and seconded by Phyllis Perry.

5 in favor; 0 opposed

**APPLICANT:**

David Lorincz

178 Barnes Blvd.

Monticello, NY 12701

S/B/L: 6.A-1-1.3

Joel Kohn, Project Representative

Applicant is requesting an Area Variance from §250-139E(1) and §250-139E(2) of the Town of Thompson Zoning Code for: (1) minimum lot area from required 12,000sq ft to proposed 6064.34 sq ft lot 1 (2) minimum lot area from required 12,000sq ft to proposed 6844.06 sq ft lot 2 (3) minimum lot width from required 100' to proposed 50.78' lot 1 (4) minimum lot width from required 100' to proposed 57.27 lot 2 (5) minimum side yard setback from required 20' to proposed 0' lot 1 (6) minimum side yard setback from required 20' to proposed 0' lot 2. Property is located in the PUD #4 zone.

Proper proof of mailing was received.

Joel Kohn – this part of the subdivision was originally created years ago. The PUD language has since been amended to include lots that have not been built on, there are listed lot numbers that it applies to. This lot already has a dwelling but only on half the lot. There are similar lots in the development like this request. Jim Carnell – read aloud the code for the PUD.

Chairman McClernon – it shows that this lot requires the 12,000sq.ft. Joel Kohn – The PUD didn't take into consideration certain lots that had a dwelling on it already. Jim Carnell – this dwelling was originally supposed to be a duplex. This current lot owner can come in and build another two-family dwelling. Joel Kohn – they want to transfer ownership. It will still be family.

Chairman McClernon – we are going against what has been designed for the PUD. Joel Kohn – it was re-designed not to keep them as larger lots.

Cindy Ruff – will other vacant lots be looking to subdivide? Joel Kohn – there are not a lot of vacant lots left.

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 Cindy Ruff

1) Whether benefit can be achieved by other means feasible to the applicant: Phyllis Perry voted Jay Mendels, Chairman McClernon, John Kelly, Cindy Ruff voted no

2) Undesirable change in the neighborhood character or to nearby properties: all voted no

3) Whether this request is substantial: all voted yes

4) Whether this 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 this variance as requested was made by Phyllis Perry and seconded by Cindy Ruff

4 in favor; 1 opposed

**APPLICANT:**

Boro Park Bungalow Associates  
266 Fraser Road  
Monticello, NY 12701  
S/B/L: 9.-1-54  
Joel Kohn, Project Representative

Applicant is requesting an Area Variance from §250-34(D)(6) and §250-21D(2) of the Town of Thompson Zoning Code for: (1) bungalow separation (units 6/7) from required 25' to proposed 12.1' (2) bungalow separation (units 8/9) from required 25' to proposed 14.2' (3) bungalow separation (units 11/12) from required 25' to proposed 15.2' (4) bungalow separation (units 10/11) from required 25' to proposed 10.7' (5) increasing a non-conforming bungalow from required 15% or 200sq ft whichever is greater to proposed 44.5% or 943 sq ft for units 1 & 2 (6) increasing a non-conforming bungalow from required 15% or 200sq ft whichever is greater to proposed 37.7% or 850 sq ft for units 9 & 10. Property is located in the SR without central water/sewer.

Proper proof of mailing was received.

Paula Kay – asked the applicant to clarify which units were built previously that the building department asked you to bring to the board

Joel Kohn – units 1 and 2 they were built with no permits and have a stop work order. Other units are older. Jim Carnell – you brought an application in front of this board previously for separation and were approved.

Jim Carnell – the engineer should look at the buildings to get an idea of when they were built based on material.

Joel Kohn – should this board approve the variances; we still need to go in front of Planning Board. They may not meet separation, but they do meet code.

Paula Kay – I still want to separate the variances out. Having an engineer go in and do an extensive review of the units will help better determine what needs to be done. Jim Carnell – we need to confirm that these units are safe for habitation.

Paula Kay – I think that the engineer should be in there within 3 months. The building department should have access prior to the start of the season would be helpful also.

Jay Mendels – we took a stand after this last stop work order has been issued, but I am receptive to the choice made here tonight.

Chairman McClernon – if you cut the deck back and remove the addition on unit 1, we can move forward.

Jay Mendels – I know the other concern was increasing a non-conforming was a big issue. The buildings aren't big to begin with.

Paula Kay – if you handle the requested variances separately you can come back to the other variances.

The board had no further questions

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

Variances 1 to 4

1) Whether benefit can be achieved by other means feasible to the applicant: all voted yes

2) Undesirable change in the neighborhood character or to nearby properties: Phyllis Perry voted yes, Jay Mendels, Cindy Ruff, Chairman McClernon, John Kelly voted no

3) Whether this request is substantial: all voted yes

4) Whether this request will have adverse physical or environmental effects: Phyllis Perry Yes, Jay Mendels, Chairman McClernon, John Kelly and Cindy Ruff voted no

5) Whether alleged difficulty is self-created: all voted yes

A motion to approve this variance 1-4 bung, 6,7,8,9 with the contingency of the engineer report within 3 months and building department access prior to opening for the season as requested was made by Jay Mendels and seconded by John Kelly  
5 in favor; 0 opposed

Variance 5

1) Whether benefit can be achieved by other means feasible to the applicant: Phyllis Perry voted no, Jay Mendels, Chairman McClernon, Cindy Ruff and John Kelly voted yes

2) Undesirable change in the neighborhood character or to nearby properties: all voted no

3) Whether this request is substantial: Phyllis Perry voted no, Jay Mendels, Chairman McClernon, John Kelly and Cindy Ruff voted yes

4) Whether this request will have adverse physical or environmental effects: all voted no

5) Whether alleged difficulty is self-created: all voted yes

A motion to variance #5 pending removal of the addition and cutting back the deck on unit 1, engineering report within 3 months and building department access prior to opening was made by Phyllis Perry and seconded by Cindy Ruff  
5 in favor; 0 opposed

Variances 6

1) Whether benefit can be achieved by other means feasible to the applicant: Phyllis Perry, Chairman McClernon, John Kelly and Cindy Ruff voted no Jay Mendels voted yes

2) Undesirable change in the neighborhood character or to nearby properties: all voted no

3) Whether this request is substantial: all voted yes

4) Whether this request will have adverse physical or environmental effects: all voted no

5) Whether alleged difficulty is self-created: all voted yes

A motion to leave variance #6 (units 9/10) until May 10, 2022 was made by Jay Mendels and seconded by Phyllis Perry  
5 in favor; 0 opposed

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

Respectfully submitted

Heather Zangla  
Town of Thompson Secretary