



further away that I assumed ran along the property line. Chairman McClernon – Is the fence yours? Gilad Bazel – I’m not sure, but if you look at the way it runs, it is not even on my property and I only learned of this when I spoke to the building department. Do I have to fix the fence to? Jay Mendels – Unless it is your neighbor’s fence because it is on his property. It looks like there is a fence on the other side that is on your property. Gilad Bazel – Yes, there is. Jay Mendels – And you purchased the house in 2020, right? Gilad Bazel – I believe it was in 2019 and I only ordered a survey to be done when I learned of this issue. Cindy Ruff – And you did not build this addition? Gilad Bazel – No, I just made it look nicer. Cindy Ruff – Who owns the property now? Gilad Bazel – My company; 26 Highland, LLC. Cindy Ruff – So, who put the addition on? Jim Carnell – The prior owner. Jay Mendels – You said you made some improvements, was that just the deck or did you make others as well? Gilad Bazel – I added the deck and fixed the siding. Chairman McClernon – I would think he needs at least 3 feet off that property line, so that he will have room to put the fence on his side. Do you plan on putting the fence back up? Gilad Bazel – First I have to see who it belongs to. Jay Mendels – Jim, where there any other issues with the property that we should address? Jim Carnell – Not that we know of yet. As soon as we realized the addition was over the property line, we pulled back and sent him to this Board to get a variance first. Jay Mendels – Okay. So, you are here to remedy the issue.

No further questions or comments from the Board.

The meeting was opened to the public for comment, but there was no public for this project.

A motion to close the public hearing was made by Cindy Ruff and second by Jay Mendels. 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; 4 voted no and 1 voted yes (Chairman McClernon)
- (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 (Sean Walker)

A motion to approve the requested variances was made by Jay Mendels and second by Sean Walker. All in favor, 0 opposed.

**APPLICANT: CYNTHIA BROZEN**

52 Medallion Road  
Kiamesha Lake, NY  
S/B/L: 9.C-13-2  
Marty Miller, owner representative

Applicant is requesting an Area Variance from §250-7 & 21B(4) of the Town of Thompson Zoning Code for (1) Rear yard setback with W/S from required 40’ to proposed 4’ (2) One side yard setback with W/S from required 15’ to proposed 2.2’ (3) One side yard setback with W/S from required 15’ to proposed 3.4’ (4) Combined side yard setback with W/S from required 40’ to proposed 5.6’ (5) Increasing a non-conforming – which is not permitted (6) Percent of lot coverage with W/S from required 20% to

proposed 37%. Property is located at 52 Medallion Road, Kiamesha Lake, NY. S/B/L: 9.C-13-2. In the Zone: SR with central W/S

Chairman McClernon read the legal notice aloud.

Proof of mailings were received.

Marty Miller – We here tonight also seeking a zero-lot line. However, this addition is not over the line and was built sometime between 1970 and 1972, which we have shown with the survey we submitted. We are not asking to build or change anything that hasn't been there since at least 1972. Also, the HOA is aware of this construction and has given their approval of it. They are even amenable to the work that was done on the common land; the deck that was built on the HOA's property. Part of the reason for this is because there is a ravine where the deck is and people are protected by the virtue of that deck. However, we are only here for setback variances for the addition, as the deck is not on this property. The building department asked us to get architectural certification for the addition, which we did and it is in compliance with the existing code. Then they sent us here to get the necessary variances for the work done on the property, so that they can issue a building permit and a certificate of occupancy for that.

Chairman McClernon – Is there a survey? Marty Miller – Yes, and it was submitted with the application. Jim Carnell – It's this one here. Chairman McClernon – Okay.

Jay Mendels – You mentioned that the deck also dates back to the 70's, but it looks like a new deck in the photos. Marty Miller – It has been rehabbed, but the deck is in the same footprint as when it was originally built.

No further question or comment from the Board.

The meeting was opened to the public.

**Dennis Newberg**, residing at 54 Medallion Road – Hasn't seen the latest survey and was wondering where the land was that is being given to the applicant and how this effects his property, which is directly next door.

The Board explained that the HOA is simply allowing the deck to remain on the common land and there will be no change in ownership. They also showed Mr. Newberg the latest survey and explained that his property was not affected by the addition nor the deck in any way.

**Joanne Rashell**, residing at 55 Medallion Road – Wanted to know what kind of construction was being proposed.

The Board explained that everything was already built back in the 70's, so there would be no construction. The applicant is only here seeking variances to rectify the addition that was built in their setbacks.

No further questions or comments from the public.

A motion to close the public hearing was made by Jay Mendels and second by Cindy Ruff.

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; 3 voted no and 2 voted yes (Jay Mendels & Chairman McClernon)
- (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 (Cindy Ruff)

A motion to approve all of the requested variances was made by Jay Mendels and second by Phyllis Perry.

All in favor, 0 opposed.

**APPLICANT: LOUIS BURKO**

547 Sackett Lake Road  
Monticello, NY  
S/B/L: 46.-4-12

Applicant is requesting an Area Variance from §250-16B of the Town of Thompson Zoning Code for (1) Accessory building nearer to the fronting street than the main building. Property is located at 47 Sackett Lake Road, Monticello, NY. S/B/L: 46.-4-12. In the Zone: SR with central W/S

Chairman McClernon read legal notice aloud.

Proof of mailings were received.

Chairman McClernon – Tell us about this assessor building. Louis Burko – It is a garage and it will be 12’x16’. It is the smallest garage I can get, so that it can fit in between an existing tree and the house. It is kind of a natural spot for it and I wouldn’t have to remove any trees or take away from any of the yard. I didn’t realize that it would extend past the house until the company I hired submitted a building application and were told we would need a variance.

Jay Mendels – This there a reason why it can’t be moved back so that it is inline with the house? Louis Burko – There is a deck back there. Jay Mendels – Can you go to the side of the deck? Louis Burko – Not without removing some trees. As it is proposed now, it would sit in already cleared space that is really the perfect size. Jay Mendels – Will the garage be abutting the house? Louis Burko – No, there will be a little space between them. Chairman McClernon – There will have to be at least 10 feet between the garage and the house. Louis Burko – I did not realize that as I was never told that. Chairman McClernon – And I think that would put that tree right in the way. Jim Carnell – Just to clarify, anything under 400 sq. ft. is considered a “shed” and would be required to be 10 feet from all property lines and the dwelling. Anything over 400 sq. ft. and under 1,000 sq. ft. Is considered an accessory building, or in this case a detached private garage, and would follow the same setbacks as a single-family dwelling in that zone. Chairman McClernon - Okay, so this falls under a shed. Phyllis Perry – And that is actually how the

structure is labeled on the sketch plan. Louis Burko – So, would I have to ask for a separate variance for the distance between the two structures? Chairman McClernon – Yes. Jim Carnell – I think there is enough space there to get the 10 feet. Jay Mendels – Right, but he doesn't want to take down the tree. Louis Burko – And I would actually have to take down two trees in order to do that. Jay Mendels – However, if you did move it a little further back, past the deck, and a little more away from the house, you would have to take down a couple trees, but you would be able to avoid any variances. Jim Carnell – Right and he could probably get away with remove just the one tree. Jay Mendels – So I think you have a couple of choices here; you can either come back with an updated sketch plan showing exact measurements, so we know what variances you require, or consider how to get it a little further back on the property and away from the house to meet all requirements, so no variances would be needed. Louis Burko – I don't think I am going to be able to change the proposed location, so I will have to come back with exact measurements. Do I have to reapply? Chairman McClernon – We can keep the meeting open until next month. Laura Eppers – He may have to re-notice. Jim Carnell – Right. Depending on the outcome of the measurements we may have to add another variance request and that would need to be re-noticed. Louis Burko – When is the next meeting. Chairman McClernon – It will be the second Tuesday of next month. Louis Burko – I won't be able to make that meeting. Jim Carnell – You can Zoom in. Louis Burko – I may not be able to. Can we leave it open and I will let you know before the next meeting? Chairman McClernon – That works. Jim Carnell – If you want you give the building department a call and someone can meet you at the property to go over everything and any possible options. Louis Burko – Okay.

No further questions or comments from the Board.

A motion to hold this application open until next month's meeting, December 12, 2023, was made by Jay Mendels and second by Sean Walker.  
All in favor, 0 opposed.

**APPLICANT: MAREK GIERNICKI**

19 Regina Ave  
Monticello, NY  
S/B/L: 46.-6-1.4

Applicant is requesting an Area Variance from §250-7 & 21B(4) of the Town of Thompson Zoning Code for (1) Front yard setback from required 50' to proposed 15.51' (2) One side yard setback from required 20' to proposed 1.96' (3) One side yard setback from required 20' to proposed 13.89' (4) Both side yards combined from required 50' to proposed 15.85' (5) Increasing a nonconforming structure – which is not permitted (6) Percent of lot coverage from required 10% to proposed 22%. Property is located at 19 Regina Ave, Monticello, NY. S/B/L: 46.-6-1.4. In the Zone: SR

Chairman McClernon read legal notice aloud.

Proof of mailings were received.

Marek Giernicki – I am here tonight to get some variances for a porch that was built in 2004. I gave the house to my daughter back then and my son-in-law build the porch without a permit. I am now trying to

sell the house, but when we went to get a permit and certificate for it, we were told we would need some variances first.

Chairman McClernon – So, this was originally in front of the Zoning Board back in 2005 and they instructed you to give plans to the building department, did you ever give them those plans? Marek Giernicki – I was working with a guy from the building department, but then he stopped working there and I sold the house to my daughter, so I can build my own across the street, so I lost track of it. I now own the house again and it is sitting empty, so I would like to sell it. The porch has been there for 20 years now and there has never been any complaints or issues with it. Chairman McClernon – I read the minutes from the meeting back in 2005 and you actually had a neighbor who said it looked nice and everything was well kept.

Jay Mendels – It looks like the steps are being included as part of the measurements for the setbacks. Chairman McClernon – I think there is a landing somewhere in them. Jay Mendels – Okay, so that would make them now part of the measurements? Jim Carnell – Yes. Jay Mendels – I understand. And nothing has been changed since 2004, right? Marek Giernicki – Correct and the neighboring house is not close to their property line, so their house is like 200 or 300 feet away.

No further questions or comments from the Board.

The meeting was opened up to the public for comment, but there was no public for this project.

A motion to close the public hearing was made by Jay Mendels and second by Cindy Ruff. 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; 3 voted yes and 2 voted no (Phyllis Perry & Sean Walker)
- (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 of the requested variances was made by Jay Mendels and second by Phyllis Perry. All in favor, 0 opposed.

**APPLICANT: DAVID PARK**

421 Bridgeville Road  
Monticello, NY  
S/B/L: 32.-2-21.1

Applicant is requesting an Area Variance from §250-9 & 21B(4) of the Town of Thompson Zoning Code for (1) Front yard setback from required 50' to proposed 4.7' (2) Increasing a non-conforming structure – which is not permitted. Property is located at 421 Bridgeville Road, Monticello, NY. S/B/L: 32.-2-21.1. In the Zone: RR-2

Chairman McClernon read legal notice aloud.

Proof of mailings were received.

Chairman McClernon – It looks like you built a carport without a permit. Why don't you tell us about that. Is there a reason you need the carport there? David Park – Last winter it snowed a lot and neither my dad or his girlfriend, who live in the house, can clear it. My dad is disabled, so I figured the carport would help.

Jay Mendels – The house and everything else is in the setbacks though? Chairman McClernon – Yes. It is only the carport and it sits a couple feet back from the front of the house. Jay Mendels – Okay, because part of our concern was with site distance, but it does not appear the carport would be anymore hindrance than the house itself. Jim Carnell – Right and I think the DOT was involved with the site distance there on that corner. That's why the setback is so far away from the road to ensure nothing is built in the site area.

Chairman McClernon – Is there a door from the house to the carport or do you just come off of the porch? David Park – They come off of the porch.

Jay Mendels – Is it still open sided with just a roof? David Park – Yes. Jim Carnell – And the roof is just a clear, plastic covering.

No further questions or comments from the Board.

The meeting was opened up to the public for comment and there was no public for this project.

A motion to close the public hearing was made by Jay Mendels and second by Cindy Ruff.  
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; 4 voted no and 1 voted yes (Chairman McClernon)
- (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 of the requested variances was made by Phyllis Perry and second by Jay Mendels.  
All in favor, 0 opposed.

**APPLICANT: ASHISH PATEL**

Katrina Falls Road  
Rock Hill, NY  
S/B/L: 51.-1-27.1

Applicant is requesting an Area Variance from §250-9 of the Town of Thompson Zoning Code for (1) Building height from required 30' to proposed 34.4'. Property is located on Katrina Falls Road, Rock Hill, NY. S/B/L: 51.-1-27.1. In the Zone: RR-2

Chairman McClernon read legal notice aloud.

Proof of mailings were received.

Chairman McClernon – We have some overview photos of your property and can see that the house is proposed to be way in the back of the property. Ashish Patel – It will be a 1,000 sq. ft. from the road.

Jay Mendels – Why is there a need to go above the maximum height allowed? Ashish Patel – I didn't really think about the height and that it may be an issue until we got into the engineering process. There is a lot of bedrock on the property making it hard to dig down and is the main reason why we cannot have a basement. So, now it is just two stories with an attic, for storage. Chairman McClernon – Are you proposing 10- or 12-foot ceilings? Ashish Patel – Yes, 12 feet in the entrance area and 10 feet in the rest of the rooms. Jay Mendels – It seems like each month we are seeing another house asking for a height variance and pushing the limits of where we are trying to stay. Eventually we are going to have to draw a line for how high we are willing to go, even though I would prefer to see it remain at the required 30 feet. Chairman McClernon – We have been allowing in the range of 36 feet. The last house we saw was taller than that and we said they would have to come down to the 36 feet. So, we have kind of raised the limits on large houses such as this. Jay Mendels – Okay.

Cindy Ruff – Can any of the neighboring houses see it? Ashish Patel – No it is a 35-acre parcel that is mostly wooded. Jay Mendels – For now.

Cindy Ruff – Will the house be stick Built? Ashish Patel – Yes. Cindy Ruff – Okay. So, there is a possibility of lowering it. Ashish Patel – Not really because like I said we can not dig down to build, so we have to build upwards.

No further questions or comments from the Board.

The meeting was opened up to the public for comment, but there was no public for this project.

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

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

(2) Undesirable change in neighborhood character or to nearby properties; All voted no

(3) Whether request is substantial; 4 voted no and 1 voted yes (Jay Mendels)

(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 Sean Walker.  
All in favor, 0 opposed.

**APPLICANT: RIVSHAK PROPERTIES LLC**

Plymouth Lane  
Rock Hill, NY  
S/B/L: 52.G-1-84

Applicant is requesting an Area Variance from §250-7 of the Town of Thompson Zoning Code for (1) Front yard setback from required 40' to proposed 33.58' (2) Rear yard setback from required 40' to proposed 31'. Property is located on Plymouth Lane, Rock Hill, NY. S/B/L: 52.G-1-84. In the Zone: SR

Chairman McClernon read legal notice aloud.

Proof of mailings were received.

Hank Andershak – We have not started construction of this house yet and were told by the building department that we would need to apply for a variance.

Chairman McClernon – I think there was a letter submitted about your lot being a little under sized.  
Hank Andershak – It is 24 sq. ft. short of the 12,000 sq. ft. requirement, but I qualified for the 75% reduction.

Chairman McClernon – Will the house be a 2-story? Hank Andershak – It is going to be a bi-level. I previously built 2 other bi-levels around the corner on Bristol Circle.

Sean Walker – What will the square footage of the house be? Hank Andershak – Approximately 2,200 sq. ft.

No further questions or comments from the Board.

The meeting was opened up to the public.

**Jesus Soto**, residing at 53 Bristol Circle – Stated lives at the property behind this one and wanted to know how this would affect his property.

Hank Andershak advised that Mr. Soto was referring to another property they own on Plymouth Lane, but this property is across the road from that on the opposite side of Plymouth Lane. So, this property does not boarder his at all. We own three properties on Plymouth Lane that we will be developing, one of them being the property behind his, but this is the only property that requires a variance.

No further questions or comments from the public.

A motion to close the public hearing was made by Sean Walker and second by Chairman McClernon. 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 yes and 1 voted no (Chairman McClernon)

A motion to approve the requested variances was made by Jay Mendels and second by Sean Walker. All in favor, 0 opposed.

**APPLICANT: SUNSHINE ESTATES**

225 Ranch Road

Monticello, NY

S/B/L: 16.-1-14.1

Joel Kohn, representative

Applicant is requesting an Area Variance from §250-8 of the Town of Thompson Zoning Code for (1) Bungalow Colony front yard setback (units 7/8) from required 100' to proposed 86' (2) Bungalow Colony front yard setback (units 3/4) from required 100' to proposed 67' (3) Bungalow Colony percent of lot coverage from required 10% to proposed 11.76%. Property is located at 225 Ranch Road, Monticello, NY. S/B/L: 16.-1-14.1. In the Zone: RR-1

Chairman McClernon read legal notice aloud.

Proof of mailings were received.

Joel Kohn – We are here tonight for units 3/4 and 8. I will start with unit 8, which has a proposed addition and deck. Both structures will be off of the front of the existing building, which is not the road side, so it will not be any closer to the road than they are currently. Even though they will be building towards the inside of the colony, they will still exceed the 100' setback and will need a variance. As for units 3/4, they are building a deck on the road side, which is on the back side of the building, and because it sits at an angle, it will need a variance for the one corner of the deck. Then there is a request for lot coverage because they exceed the 10% allowed. They are currently at 11.58% and with these additions, they will be at 11.76%.

Chairman McClernon – For unit 8, there is a proposed addition and deck? Joel Kohn – Yes. There is an existing deck and they are looking to extend that back to be even with the proposed addition.

Jay Mendels – Is the deck for units 3/4 a shared deck? Joel Kohn – Yes. Chairman McClernon – And are they two separate units because the assessors' office shows it as one unit? Joel Kohn – It is the same owner, but two separate units. Chairman McClernon – Okay. We will have to update that.

Chairman McClernon – Unit 23 added an illegal deck, so the lot coverage percentage listed on the site plan is incorrect. I am surprised because this development usually pulls permits for the work they do.

Joel Kohn – Agreed. Historically they have gotten permits for the work done there. Jay Mendels – So, will look into that? Joel Kohn – I can ask about it but I do not have the power to enforce anything. Chairman McClernon – Also, is unit 11, which was previously approved, included in the lot coverage calculations?

Because it doesn't look like it has been built yet. Joel Kohn – Units 9, 10 & 11 were approved together

for replacement. Unit 11 was completely replaced and units 9/10 have not been replaced yet, but were included in the lot coverage when they were originally approved.

No further questions or comments from the Board.

The meeting was opened up to the public for comment, but there was no public for this project.

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

(1) Whether benefit can be achieved by other means feasible to applicant; 3 voted no and 2 voted yes (Phyllis Perry and Sean Walker).

(2) Undesirable change in neighborhood character or to nearby properties; All voted no

(3) Whether request is substantial; 4 voted no and 1 voted yes (Cindy Ruff)

(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 of the requested variances, subject to the illegal deck built on unit #23 being looked into, was made by Jay Mendels and second by Sean Walker.

All in favor, 0 opposed.

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

Respectfully submitted,

Laura Eppers  
Secretary  
Town of Thompson Zoning Board of Appeals