

APPROVED

TOWN OF THOMPSON  
ZONING BOARD OF APPEALS  
December 10, 2024

IN ATTENDANCE: Richard McClernon, Chairman      Laura Eppers, Secretary  
                         Jay Mendels                                      Steve Vegliante, Consulting Attorney  
                         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.

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

**APPLICANT: PATRICIA COLL**

11 Haddock Road  
Monticello, NY  
S/B/L: 29.-2-32

Applicant is requesting an Area Variance from §250-8 & 21B(4) of the Town of Thompson Zoning Code for (1) Front yard setback from required 50' to proposed 40' (2) Increasing a non-conforming – not permitted. Property is located at 11 Haddock Road, Monticello, NY. S/B/L: 29.-2-32. In the Zone: RR-1

Chairman McClernon read the legal notice aloud.

Proof of mailings were received.

Steve Vegliante advised that due to a medical issue, the applicant requested to attend the meeting via Zoom and the Board agreed to allow it.

A motion to allow the applicant to attend the meeting via Zoom was made by Jay Mendels and seconded by Darren Miller.

All in favor, 0 opposed

Patricia Coll explained that she hired a contractor to demolish and rebuild her porch in a slightly bigger footprint. She did not know she needed a permit until she received a violation for building without a permit. When she submitted the building permit application and the as built plans, she was advised that she would need to obtain some area variances first.

The Board had the following questions/comments:

- Did you ask if a building permit was required?

Patricia Coll advised that she asked the contractor and was told no.

- How much closer to the property line is the new deck?

Patricia Coll advised that was 8'x8' and is now 12'x12', so 4 feet closer.

- How is the quality of construction?

Jim Carnell advised that inspections have not been done yet, but if she can get through this process, the building permit can be issued and inspections done.

No further questions or comments from the Board at this time.

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

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

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 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 Dana Heimbach.

All in favor, 0 opposed

**APPLICANT: CHRISTIAN & KAREN FARIAS**

4 Camp Kennybrook Road  
Monticello, NY  
S/B/L: 17.-1-35

Applicant is requesting an Area Variance from §250-16A(2) & 16A(5) of the Town of Thompson Zoning Code for (1) A box trailer cannot be used as an accessory building – not permitted (2) Accessory building setback from the property line – not permitted. Property is located at 4 Camp Kennybrook Road, Monticello, NY. S/B/L: 17.-1-35. In the Zone: RR-1

This application and the public hearing were held open from last month's meeting to give the applicant time to come up with a plan on how to side the storage container to make it resemble a shed.

The applicant provided the below sketch plan:

[https://drive.google.com/open?id=1NRtAOeF2k8NXfgPVvW\\_jl\\_MMgq7aICKn&usp=drive\\_fs](https://drive.google.com/open?id=1NRtAOeF2k8NXfgPVvW_jl_MMgq7aICKn&usp=drive_fs)

The Board reviewed the plans submitted and were satisfied with them. They asked the applicant if they looked into another possible location on the property to place the storage unit. The applicant confirmed they did, but this is the best location for it.

No further questions or comments from the Board.

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 Dana Heinbach. All in favor, 0 opposed.

The Board agreed to vote on the 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 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

A motion to approve all variances as requested, subject to the storage contain be made to resemble a shed, was made by Jay Mendels and seconded by Dana Heimbach. All in favor, 0 opposed

**APPLICANT: EAGLE ROCK, LLC**

277 Starlight Road  
Monticello, NY  
S/B/L: 41.-1-19.4  
Judy Rhulen, Applicant

Applicant is requesting an Area Variance from §250-16 of the Town of Thompson Zoning Code for (1) Accessory building without a main structure – not permitted. Property is located at 277 Starlight Road, Monticello, NY. S/B/L: 41.-1-19.4. In the Zone: RR-2

Chairman McClernon read legal notice aloud.

Proof of mailings were received.

Judy Rhulen explained that she bought a prefab shed and had it installed on this property across the street from her house, as there was more room there.

The Board had the following questions:

- Did you pull a permit for the shed?

Judy Rhulen advised that she was not aware a building permit was required.

- What is the shed being used for?

Judy Rhulen advised that her son is using it for storage.

- What size is the shed?

Judy Rhulen advised that it is 12'x40'.

- Is it on a slab?

Judy Rhulen advised that there is no slab; it just sits on the ground.

No further questions or comments from the Board.

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 Dana Heimbach.

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 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

A motion to approve the requested variance was made by Jay Mendels and seconded by Dana Heimbach.

All in favor, 0 opposed

**APPLICANT: MANUEL DELAVEGA**

346 Lake Louise Marie Road

Rock Hill, NY

S/B/L: 52.-1-13.13

Applicant is requesting an Area Variance from §250-16A(2) of the Town of Thompson Zoning Code for (1) Accessory building setback from required 10' to proposed 2'. Property is located at 346 Lake Louise Marie Road, Rock Hill, NY. S/B/L: 52.-1-13.13. In the Zone: SR with Central W/S

Chairman McClernon read legal notice aloud.

HOA approval was received.

Proof of mailings were received, but were not mailed properly.

The Board cannot take any action tonight, due to the improper mailings, but asked the applicant to explain his situation. Manuel DeLaVega advised that him and his wife are looking to install a shed, but this is a small lot and there is very limited space as to where it can go.

The Board had the following questions:

- There is no other location the shed can be placed?

Manuel DeLaVega advised that pretty much anywhere it is placed would require a variance and the proposed location works best for them, as it is right next to their garden.

- What will the shed be used for?

Manuel DeLaVega advised that it will be used for storage of yard and gardening equipment.

No further questions or comments from the Board.

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

A motion to hold both the application and public hearing open until the next meeting, January 14, 2025, so that the applicant can properly mail the legal notice, was made by Dana Heimbach and seconded by Jay Mendels.

All in favor, 0 opposed

**APPLICANT: DAVID WRIGHT**

11 South Lake Road

Thompson, NY

S/B/L: 39.-3-1

Michael Chojnicki, Architect

Applicant is requesting an Area Variance from §250-8 of the Town of Thompson Zoning Code for (1) One side yard setback from required 20' to proposed 11.9' (2) Rear yard setback from required 50' to proposed 38' (3) Combined side yard setback from required 50' to proposed 33.7' (4) Percent of lot coverage from required 10% to proposed 18.3%. Property is located at 11 South Lake Road, Thompson, NY. S/B/L: 39.-3-1. In the Zone: RR-1

Chairman McClernon read legal notice aloud.

Proof of mailings were received.

Michael Chojnicki explained that the applicant is looking to expand the footprint of the existing house. However, being this is a small lot, the addition will not fit within the setbacks and constraints of the septic location.

The Board had the following questions/comments:

- It appears that there is a total of 3 additions being proposed.

Michael Chojnicki advised that the applicant is looking to convert the existing garage into living space and add a new garage, construct an addition off of the primary bedroom to make it a master suit, and construct a screened in porch.

- Any additions to the second floor?

Michael Chojnicki advised the additions would only be on the first floor.

- It appears the bedroom extension is just squaring off the back corner of the house and not encroaching any further than what currently exists.

Michael Chojnicki confirmed that is correct.

No further questions or comments from the Board.

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 Dana Heimbach.

All in favor, 0 opposed

The Board agreed to vote on all 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 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

After some discussion the Board agreed that only 2 of the 3 additions are increasing the nonconformity and the greatest being the garage, which is off the back. They are comfortable with the requests as they are in character with other lake community properties.

A motion to approve all variances as requested was made by Dana Heimbach and seconded by Darren Miller.

All in favor, 0 opposed

**APPLICANT: ROBERT SPEER**

147 Pleasant Street Ext.

Monticello, NY

S/B/L: 14.-3-6

Applicant is requesting an Area Variance from §250-7 & 21B(4) of the Town of Thompson Zoning Code for (1) Front yard setback without W/S from required 50' to proposed 25' (2) Combined side yard setback without W/S from required 50' to proposed 42.5' (3) Increasing a non-conforming – not permitted. Property is located at 147 Pleasant Street Ext., Monticello, NY. S/B/L: 14.-3-6. In the Zone: SR no central W/S

Chairman McClernon read legal notice aloud.

Proof of mailings were received.

Robert Speer explained that he is looking to construct a deck off of the back of the existing, nonconforming house.

The Board had the following questions:

- What size is the proposed deck?

Robert Speers advised that it will be 7'x24'; 7 feet out and 24 feet along the house.

- Is the deck covered?

Robert Speers advised that will be uncovered.

No further questions or comments from the Board.

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

The Board agreed to vote on all 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 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

After some discussion the Board agreed that they are comfortable with the request as the deck is not increasing the nonconformity and they only require the variances because the existing house is pre-existing, non-conforming.

A motion to approve all variances as requested was made by Darren Miller and seconded by Dana Heimbach.

All in favor, 0 opposed

#### **APPLICANT: GARDEN COTTAGES**

Varnell Road

Monticello, NY

S/B/L: 18.-1-41.2

Joel Kohn, Representative

Marty Miller, Attorney

Applicant is requesting an Area Variance from §250-21D(2) of the Town of Thompson Zoning Code for (1) Non-conforming bungalow expansion (Units 1 & 2) from required 15% or 200 sq. ft. to proposed 62% or 1,080 sq. ft. (2) Non-conforming bungalow expansion (Units 3 & 4) from required 15% or 200 sq. ft. to proposed 100% or 1,200 sq. ft. (3) Non-conforming bungalow expansion (Units 7 & 8) from required 15% or 200 sq. ft. to proposed 68.8% or 973 sq. ft. (4) Non-conforming bungalow expansion (Units 11 & 12) from required 15% or 200 sq. ft. to proposed 73.9% or 1,089 sq. ft. (5) Non-conforming bungalow expansion (Units 14 & 15) from required 15% or 200 sq. ft. to proposed 18.3% or 309 sq. ft. (6) Non-

conforming bungalow expansion (Units 16 & 17) from required 15% or 200 sq. ft. to proposed 116.6% or 1,392 sq. ft. (7) Non-conforming bungalow expansion (Units 18 & 19) from required 15% or 200 sq. ft. to proposed 35.5% or 656 sq. ft. (8) Non-conforming bungalow expansion (Unit 20) from required 15% or 200 sq. ft. to proposed 88.8% or 871 sq. ft. (9) Non-conforming bungalow expansion (Units 23 & 24) from required 15% or 200 sq. ft. to proposed 122.4% or 1,413 sq. ft. Property is located on Varnell Road, Monticello, NY. S/B/L: 18.-1-41.2. In the Zone: SR with central W/S

Chairman McClernon read legal notice aloud.

This application has been ongoing for several of months, since February of 2025. The Board and the applicant have been working together to come to some sort of compromise on the substantial variance requests. Some unit owners have agreed to either remove their additions or lower their decks to grade level, which would exclude them from being included in the overall footprint percentage. The applicant has submitted a table showing the percentage change from the original request to the updated request, which was reviewed.

No further questions or comments from the Board.

The public hearing was previously closed for this application.

The Board agreed to vote on all 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 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

A motion to approve all requested variances, subject to using the new figures provided for requests # 1,2,3, & 8, was made by Jay Mendels and seconded by Dana Heimbach.  
All in favor, 0 opposed

- #1 – From 62% to 40.3%
- #2 – From 100% to 69.1%
- #3 – From 68.8% to 55.7%
- #4 – From 88.8% to 77.7%

A motion to close the meeting at 8:02 p.m. was made by Jay Mendels and seconded by Dana Heimbach.  
All in favor, 0 opposed

Respectfully submitted,



Laura Eppers  
Secretary  
Town of Thompson Zoning Board of Appeals