

TOWN OF THOMPSON
ZONING BOARD OF APPEALS
August 12, 2025

IN ATTENDANCE: Richard McClernon, Chairman
Sean Walker
Cindy Ruff
Darren Miller, Alternate
Dana Heimbach, Alternate

Laura Eppers, Secretary
Steve Vegliante, Attorney
James Carnell, Building Planning, Zoning

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

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

A motion to approve the June 10, 2025 and the July 8, 2025 minutes was made by Cindy Ruff and second by Dana Heimbach.

All in favor, 0 opposed

APPLICANT: LEOPOLD KAUFMAN

1286 Old Route 17
Ferndale, NY
S/B/L: 1.-1-29
Moshe Attie, Project Representative

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 10.4' (2) One side yard setback from required 20' to proposed 12.2' (3) Combined side yard setback from required 50' to proposed 22.6'. Property is located at 1286 Old Route 17, Ferndale, NY. S/B/L: 1.-1-29. In the Zone: RR-1

Chairman McClernon read the legal notice aloud.

Moshe Attie explained that this property was previously in front of the Board when the property owner was still Jacob Polick and received some variances for a proposed dwelling extension and a deck. However, those variances have since expired and the property was sold to Leopold Kaufman. With this application, they are still proposing the same dwelling extension/footprint with a slightly bigger deck; increasing the variances requests.

The Board had the following questions/comments:

- Is this a demo, replace?

Moshe Attie advised that they are proposing to keep the existing structure and add an extension and deck.

- Part of the previous approval was to maintain a 20' wide driveway for access to the structure located at the back of the property. Now the driveway is proposed to be less than 10' wide; cutting off emergency access.

Moshe Attie advised that the property owner has no plan to use the driveway to access the barn in the back and would be willing to tear it down if the Board would like.

- If there is an emergency at the back of the property, not just in relation to the structure, emergency vehicles would still need to be able to access it.
- Maybe the stairs that encroach into the driveway can be rotated towards the front of the property and the deck shortened a little.

Moshe Attie advised that is probably something they can do and would be able to get at least 15 feet.

- Agreed that 15 feet would be much better than less than 10 feet and would accept that.

No further questions or comments from the Board.

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

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

The Board agreed to vote on all variance requests together.

(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 2nd variance as requested and the 1st and 3rd variances at a reduced setback (see below) was made by Dana Heimbach and second by Cindy Ruff.

All in favor, 0 opposed

1st request: proposed at 10.4' and approved at 15'

3rd request: proposed at 22.6' and approved at 27.2'

APPLICANT: WHITE ROCK ESTATES

325 Southwoods Drive

Monticello, NY

S/B/L: 50.-1-38

Jacob Friedman, Representative

Applicant is requesting an Area Variance from §250-8 & 21B of the Town of Thompson Zoning Code for (1) Front yard setback from required 100' to proposed 42.9' (2) Increasing a non-conforming building – not permitted. Property is located at 325 Southwoods Drive, Monticello, NY. S/B/L: 50.-1-38. In the Zone: RR-1

Chairman McClernon read the legal notice aloud.

Steve Vegliante advised that the legal notices for this project were not mailed, therefore no action can be taken tonight. However, it was published in the paper, so the public hearing will be opened up to the public tonight and left open until the next meeting; allowing time for the applicant to complete the mailings.

Jacob Friedman explained that he is the contractor who built the deck that requires the requested variances in front of the Board tonight. He submitted plans to the building department for a demo/replace of the unit, which were supposed to include the addition of this deck, but the incorrect plans were submitted. Subsequently, the incorrect plans were approved and he built off of the plans that were supposed to be submitted. He has provided a copy of both versions of the plans for the Board to reference.

Jim Carnell advised that there are other units in this colony that have been issued violations for building without permits, so they are working on putting together a site plan to present to the Planning Board for review. Jacob is only involved with this unit and here tonight to take care of the deck he built.

The Board had the following questions/comments:

- Was water/sewer affected?

Jacob Friedman advised that the bedroom count for this unit did not increase. Jim Carnell added that is something that will be reviewed by the Planning Board for the over all site.

- On the application, the box was check indicating there is an HOA. Is there an HOA?

Jacob Friedman advised that he is not sure.

- If there is an HOA, as the application indicates, we will need an approval letter from them.

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

A motion to hold both the application and the public hearing open until next month's meeting, September 9, 2025, was made by Dana Heimbach and second by Cindy Ruff.

All in favor, 0 opposed

APPLICANT: 22 TOWNER ROAD LLC

22 Towner Road

Monticello, NY

S/B/L: 23.-2-43

Yosef Braun, Representative

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 14.2' (2) Increasing a non-conforming building – not permitted. Property is located at 22 Towner Road, Monticello, NY. S/B/L: 23.-2-43. In the Zone: RR-1

Chairman McClernon read the legal notice aloud.

Yosef Braun explained that the variance requests are for a deck that the previous contractor started without a permit. He is now the current contractor and was sent to this Board after he submitted the building permit application.

The Board did not have any questions, but stated they like that the deck is in line with the house.

The meeting was opened up to the public for comment.

Ronald Ellis @ 67 Towner Road – Asked if the variance requests apply to a deck only.

Steve Vegliante advised that the requests are in regards to a deck and if they want to do anything more in the future, they will have to come back to this Board.

Written comment received prior to the meeting and read in by Steve Vegliante:

Samantha Ellis - <https://townofthompsonny.municollab.com/zoning-board-of-appeals/projects/22-towner-road-llc/area-variance/public-comment/public-hearing#fileModal=true&projectDataId=b71d2ab9-cb19-4450-96d0-4d687ec44502>

No further comments from the public.

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

The Board agreed to vote on all 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; 4 voted no and 1 voted yes (Richard 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 variances as requested, limited to a 1-story deck, was made by Dana Heimbach and second by Cindy Ruff.
All in favor, 0 opposed

A motion to close the meeting at 7:31 p.m. 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

DRAFT