

TOWN OF THOMPSON
ZONING BOARD OF APPEALS
September 9, 2025

IN ATTENDANCE: Richard McClernon, Chairman
Jay Mendels
Phyllis Perry
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.

APPLICANT: WHITE ROCK ESTATES

325 Southwoods Drive
Monticello, NY
S/B/L: 50.-1-38
Jacob Friedman, Project Representative

This application and public hearing were held open from last month's meeting.

Jacob Friedman explained the situation again - He was the contractor who built the deck that requires the requested variances. He submitted plans to the building department for a demo/replace of the unit, which were supposed to include the addition of this deck, however the incorrect plans were submitted in error. Subsequently, the incorrect plans were approved and without him realizing that happened, he built off of the plans that were supposed to be submitted.

The Board had the following questions/comments:

- Is there a parking area to the side of the deck?

Jacob Friedman confirmed there is.

- Why did they build the larger portion of the deck towards the road side?

Jacob Friedman advised that he is not exactly sure why the owner chose to go that route. Steve Vegliante pointed out that going towards the front/road side helps them with separation distance from other structures.

- Do any other units have deck on the road side?

Jacob Friedman confirmed there are other decks and screen porches on the road side.

- Can any screening, such as trees, be added to help with visibility?

Jim Carnell advised that it is pretty wooded already on the road side and adding anymore trees may hinder the sight distance.

- Feel this is an improvement to the property and it was built well.

No further questions/comments from the Board.

The meeting was opened up to the public for comment.

Oedhel Setren, resident of Southwoods Drive – Emailed in written comment prior to the meeting and provided the below comments during the meeting:

- The town is shoving through development without proper approvals.
- This property has a pattern of building first and asking for permission later.
- Other people in the area have been denied for same/similar requests.
- The owner should have to remove the deck to put a stop to the reckless building.
- The mistake made by the contractor is unacceptable.

Chairman McClernon read the two written comments received prior to the meeting aloud –

Oedhel Setren - <https://townofthompsonny.municollab.com/zoning-board-of-appeals/projects/white-rock-estates-50-1-38/area-variance/public-comment/public-hearing#fileModal=true&projectDataId=22049161-12ea-46a9-bd0f-7a8c85feb535>

Avrom Scharf - <https://townofthompsonny.municollab.com/zoning-board-of-appeals/projects/white-rock-estates-50-1-38/area-variance/public-comment/public-hearing#fileModal=true&projectDataId=4c7b2b2e-9680-48a5-a52f-b0978fea7093>

No further comment from the public.

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

Jim Carnell gave a brief history of the property; the town has issued several permits over the years with no issues. However, this year there was some work done without permits and violations were issued, not including this unit. As the property is single ownership, all of the violations were issued to the owner on file. He also explained that this unit does not have a certificate of occupancy yet as they need the requested variances first.

The Board agreed to vote on both variance requests together.

(1) Whether benefit can be achieved by other means feasible to applicant; 3 voted no and 2 voted yes (Cindy Ruff & Phyllis Perry)

(2) Undesirable change in neighborhood character or to nearby properties; All voted yes

(3) Whether request is substantial; 4 voted yes and 1 voted no (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 both variances as requested, subject to the deck remaining a deck only and no further construction/expansion, was made by Sean Walker and second by Cindy Ruff.

4 in favor, 1 opposed (Jay Mendels)

APPLICANT: RIVSHAK PROPERTIES

15 Plymouth Lane

Rock Hill, NY

S/B/L: 52.G-1-84

Hank Andryshak, Property Owner

Applicant is requesting an Area Variance from §250-7 of the Town of Thompson Zoning Code for (1) Rear yard setback from required 40' to proposed 20.9'. Property is located at 15 Plymouth Lane, Rock Hill, NY. S/B/L: 52.G-1-84. In the Zone: SR with central W/S

Chairman McClernon read the legal notice aloud.

HOA approval was received.

Hank Andryshak explained that variances were previously granted for this property in the past, however, due to the rocky conditions of the property, they hit ledge rock when building and ended up shifting the house about 10 feet. They did not realize how big of a shift it was at first and that the deck was included in the foot print, so they thought the variance granted would have covered the shift. It would be extremely devastating to the client, the house was built for, if the deck needs to be removed as the deck was designed for their handicap child to use/access. The HOA was informed and they did not have any issues with it.

The Board had the following questions/comments:

- Can the deck be moved to the side of the house?

Hank Andryshak advised that may be an option, but the sliding glass door would also need to be moved. Steve Veglainté pointed out that if the deck was moved to the side, they would be going closer to the neighboring house. Jim Carnell pointed out that they would require an additional variance either way. Also, the shift caused an improvement for the front yard setback and that variance is no longer needed.

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

The meeting was opened up to the public for comment.

There was no public in attendance for this project, however, written comment was received. Chairman McClernon read the written comment aloud –

Desiree Laguna-Vega - <https://townofthompsonny.municollab.com/zoning-board-of-appeals/projects/15-plymouth-lane/area-variance/public-comment/public-hearing#fileModal=true&projectDataId=79fdd5d5-34fc-4778-a7b9-9e693131c690>

No further public comment.

A motion to close the public hearing was made by Jay Mendels and seconded 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; 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 variance as requested was made by Phyllis Perry and second by Sean Walker.
All in favor, 0 opposed

APPLICANT: RIVSHAK PROPERTIES

26 Plymouth Lane

Rock Hill, NY

S/B/L: 52.G-1-93

Hank Andryshak, Property Owner

Applicant is requesting an Area Variance from §250-7 of the Town of Thompson Zoning Code for (1) Front yard setback with W/S from required 40' to proposed 26.8'. Property is located at 26 Plymouth Lane, Rock Hill, NY. S/B/L: 52.G-1-93. In the Zone: SR with central W/S

Chairman McClernon read the legal notice aloud.

HOA approval was received.

Hank Andryshak explained that when he originally submitted the building plans, he was told the property qualifies for the setback reduction and a building permit was issued. However, during construction the house ended up getting shifted slightly and when he went to address that issue, was told this lot actually does not qualify for the setback reduction. They thought they were building to compliance, come to find out they were not and now require a variance to be in compliance. The HOA is aware of the situation and is okay with it.

Jim Carnell added to qualify for the reduction the lot, with central water /sewer, would have to be 20,000 sq. ft., or less, and this lot is a little more than 23,000 sq. ft. Also, it is a corner lot and therefore has two front yards by code.

The Board had the following questions/comments:

- Was the house shifted because you hit rock?

Hank Andryshak advised he was not there when it happened and is not exactly sure why, but that would be his guess. It was only a 3-foot shift, so hard to tell when it happened.

- Due to the size of the lot, they would never be able to meet the setbacks regardless. Also, the shape of the lot is funny and hard to work with.
- Fits with the character of the neighborhood and was built nice.

No further questions/comments from the Board.

The meeting was opened up to the public for comment.

There was no public in attendance for this project, however, the written comment sent in and read aloud with the previous application also applies to this application –

Desiree Laguna-Vega - <https://townofthompsonny.municollab.com/zoning-board-of-appeals/projects/15-plymouth-lane/area-variance/public-comment/public-hearing#fileModal=true&projectDataId=79fdd5d5-34fc-4778-a7b9-9e693131c690>

No further public comment.

A motion to close the public hearing was made by Jay Mendels and seconded by Sean Walker.
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; 3 voted yes and 2 voted no (Sean Walker & Phyllis Perry)

A motion to approve the variance as requested was made by Jay Mendels and second by Cindy Ruff.
All in favor, 0 opposed

APPLICANT: CONTINENTAL COTTAGES – UNIT 2

381 Fraser Road
Kiamesha Lake, NY
S/B/L: 10.-4-2
Moshe Attie, Project Representative

Applicant is requesting an Area Variance from §250-21D(2) of the Town of Thompson Zoning Code for (1) Expansion of a non-conforming bungalow from required 15% or 200 sq. ft. to proposed 825 sq. ft. Property is located at 381 Fraser Road, Kiamesha Lake, NY. S/B/L: 10.-4-2. In the Zone: SR with central W/S

Chairman McClernon read the legal notice aloud.

Moshe Attie explained this is a pre-existing, non-conforming bungalow colony with central water/sewer. The site is currently over the allowed lot coverage, so to avoid an increase in that coverage, the unit owner is proposing a second-story addition; increasing the square footage, but not the foot print. This project also requires Planning Board approval when and if the variance is granted.

The Board had the following questions/comments:

- Would you be able to expand without any setback issues?

Moshe Attie advised they would be able to expand the first floor without any setback issues, but it would increase the lot coverage even more.

- Are there other 2-story units in the colony?

Moshe Attie confirmed there are, but the unit owner is willing to do a basement instead if they Board is more comfortable with that.

- Is the structure sound enough to be jacked to construct a basement?

Moshe Attie advised the architect indicated there shouldn't be an issue, but structural plans have not been drawn up yet.

- Will they be keeping to old, original structure and just add to that?

Moshe Attie confirmed that is the plan.

- If we approve this for a second story and they end up having to do a basement, is that an issue?

Steve Vegliante advised it wouldn't matter which way the build, the Board would be approving the square footage only.

- If we approve this expansion, would they be able to expand again in the future? Could they build a third story?

Jim Carnell advised they would have to come back for additional variances/approvals first.

- Is the request for an additional 825 sq. ft. or will it be a total of 825 sq. ft.?

Moshe Attie advised it is an additional 825 sq. ft.

- Will the unit remain 1 unit or will it be split into a duplex?

Moshe Attie confirmed it will remain 1 unit.

- Will the bedroom count increase?

Moshe Attie advised there are currently 3 bedrooms and proposing to increase to 5 bedrooms.

- The unit is already over the expansion amount, but we understand the need to expand more. Would the unit owner be willing to compromise with a ½ story?

Moshe Attie advised that should not be an issue as they can use any additional space they can get.

No further questions/comments from the Board.

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

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; 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 variance as requested was made by Phyllis Perry and second by Cindy Ruff.

2 in favor, 3 opposed – motion not granted

Moshe Attie asked the Board if they would consider a reduced square footage, keeping in mind the staircase will take up some of the square footage. After some discussion the Board agreed that they would be comfortable with a 500 sq. ft. basement or second floor addition; no increase to the foot print.

A motion to approve the modified variance request of 500 sq. ft. was made by Jay Mendels and second by Phyllis Perry.

All in favor, 0 opposed

APPLICANT: EVELYN ZORNOZA

9 Bonaparte Trail

Wurtsboro, NY

S/B/L: 66.-2-2

Applicant is requesting an Area Variance from §250-9 & 21B(4) of the Town of Thompson Zoning Code for (1) Increasing a non-conforming building – not permitted (2) Percent of lot coverage from required 10% to proposed 12.15% (3) Combined side yard setbacks from required 50' to proposed 27'. Property is located at 9 Bonaparte Trail, Wurtsboro, NY. S/B/L: 66.-2-2. In the Zone: RR-2

Chairman McClernon read the legal notice aloud.

HOA approval was received.

Evelyn Zornoza explained that there are currently 2 separate buildings/houses on the property. One building has bedrooms in it and the other has the bathroom/other living space in it. They are proposing to construct a breezeway, to connect the 2 buildings, and a deck off of the kitchen. Spoke to both neighbors in regards to the proposed work and they both stated they are okay with it.

The Board had the following questions/comments:

- This is an unusual situation.
- Will the structure be re-sided when done, to look like 1 house instead of 2 pieced together.

Evelyn Zornoza advised that it will all get re-painted one color when done; including the existing shed.

No further questions or comments from the Board.

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

A motion to close the public hearing was made by Jay Mendels and second by Phyllis Perry.

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; 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, subject to the house being painted all one color, was made by Jay Mendels and second by Sean Walker.

All in favor, 0 opposed

APPLICANT: HILLARY PUGLISI

163 Wildcat Road

Monticello, NY

S/B/L: 18.-1-72.2

There was an issue with the language in the legal notice that was published/mailed for this meeting. A corrected notice to go out for the October 14, 2025 meeting.

A motion to close the meeting at 8:34 p.m. was made by Jay Mendels and second by Cindy Ruff.

All in favor, 0 opposed

Respectfully submitted,

Laura Eppers

Secretary

Town of Thompson Zoning Board of Appeals