

TOWN OF THOMPSON  
ZONING BOARD OF APPEALS  
April 9, 2024

IN ATTENDANCE: Richard McClernon, Chairman      Darren Miller, Alternate  
Cindy Ruff      Laura Eppers, Secretary  
Jay Mendels      Michael Mednick, Consulting Attorney  
Phyllis Perry  
Sean Walker  
Jim Carnell, Building Planning, Zoning

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

**APPLICANT : MAI-CHUI FUNG & ELAN FOX**

8 Madeline Ave  
Monticello, NY  
S/B/L: 46.-4-3

Applicant is requesting an Area Variance from §250-7 and 21(B)4 of the Town of Thompson Zoning Code for (1) Front yard setback with W/S from required 40' to proposed 39.7' (2) One side yard setback with W/S from required 15' to proposed 2' (3) Combined side yard setback with W/S from required 40' to proposed 12.3' (4) Increasing a nonconforming structure – not permitted. Property is located at 8 Madeline, Monticello, NY. S/B/L: 46.-4-3. In the Zone: SR with central W/S.

Chairman McClernon read legal notice aloud.

Proof of mailings were received.

Elan Fox – I have a revised site plan here with me tonight because it was just given to me. This one shows the 6 feet for the deck. Chairman McClernon – Okay. The plans we originally received showed that the deck would be 1 foot away. Elan Fox - Right and now we are going for the 2 feet. Jay Mendels – This version also clarifies how that portion of the deck is going to look, which I believe we were questioning in the work session. Elan Fox – On this version, they cut it back because it was over the percentage mark. Cindy Ruff – So, it won't square off the whole building? Elan Fox – It wouldn't have either way, but because of how far up it was, it was over the percentage we were allowed to go. Chairman McClernon – Of lot coverage? Elan Fox – Yes.

Jay Mendels – Can you just tell us a little about the whole project? Elan Fox – This structure here is what is already existing and we are just basically adding on to the bottom corner, here and here. It is the same width as it is now, it is just coming out 6 feet and this is already here. Then the deck will come back 6 feet this way. Jay Mendels – It looks like you are adding a whole second story. Elan Fox – Right the whole bottom is being jacked up. Chairman McClernon – So, it will be like a raised ranch? Elan Fox – Yes. Cindy Ruff – If this is already existing and you are adding this, will the whole top of this be open? Elan Fox – No, that will all be closed in. Cindy Ruff – Okay, so you are jacking up the house to make a second floor and then adding these two corner additions to the house? Elan Fox – Correct and then adding this part

onto the deck that is already there. Cindy Ruff – Will you take off the old deck and put a whole new one? Elan Fox – Yes. Cindy Ruff – And you will add this piece here to connect them? Elan Fox – Yes. There is a door here that will be able to access the deck. Jay Mendels – Will you be using under the deck to pull in a car or something? Elan Fox – I believe there will only be 7 feet under there, which will clear a car, but it's not really a garage. It is really just open space, so I might just store things like the lawn mower.

Jay Mendels – The current deck has a 2-foot setback now, right? Elan Fox – Right. Jay Mendels – Is that something that you built? Elan Fox – No, it was there when we bought the house.

Jay Mendels – Currently there is an existing fence between the two properties. Elan Fox – Correct, the neighbor put it up. Jay Mendels – It appears the deck will now be up above that fence, what are you looking at over the fence? Elan Fox – Their driveway. Their house sits here and this is all their driveway. This is shut down though because they built a garage without a permit and had sewage shooting into the back. Jay Mendels – So, it's uninhabited? Elan Fox – Yes.

Jay Mendels – Jim, is the existing deck considered a patio? Any thing less than 12 inches off the ground is considered a patio. Anything over 12 inches would be considered a deck and would be included in the square footage and would be part of the setbacks. Jay Mendels – Is it currently below 12 inches? Elan Fox – No. It is probably about 20 inches at the highest point.

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 meeting.

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; 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 of the variances as requested was made by Sean Walker and second by Phyllis Perry. All in favor, 0 opposed.

**APPLICANT: FRANK MURATORE AND JOANNE MURATORE**

354 South Shore Drive  
Rock Hill, NY  
S/B/L: 66.-30-4

Applicant is requesting an Area Variance from §250-9 and 250-21(B)4 of the Town of Thompson Zoning Code for (1) Increasing a nonconforming structure – not permitted (2) Combined side yard setback from

required 50' to proposed 48.3'. Property is located at 354 South Shore Drive, Rock Hill, NY. S/B/L: 66.-30-4. In the Zone: RR-2.

Chairman McClernon read legal notice aloud.

Proof of mailings were received.

HOA approval received.

Joanne Muratore – We need a variance to be able to move the side wall out 6 feet, for a bathroom and a spot for a washer and dryer. We are also adding onto the lake side, but that did not require a variance.

Jay Mendels – It looks like you are squaring thing off? Joanne Muratore – Right. Jay Mendels – And you are not infringing anymore into the setback then the existing structure already is. Joanne Muratore – Right it is already 20 feet and it will remain 20 feet. We did not know it was non-conforming when we bought the house. Jay Mendels – Well, that is kind of with every house there. Chairman McClernon – Right, they are small lots.

No further questions or comments from the Board.

The meeting was opened up to the public for comment.

**Matthew Morreale**, residing at 352 South Shore Drive – Advised that he was in support of this application and had no objections.

No further questions or comments from the public.

A motion to close the public hearing was made by Cindy Ruff and second by Phyllis Perry. 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 no and 2 voted yes (Jay Mendels and Phyllis Perry)

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

**APPLICANT: ETHAN SHERWOOD**

199 North Shore Road  
Rock Hill, NY  
S/B/L: 37.-3-1.2

Applicant is requesting an Area Variance from §250-9 of the Town of Thompson Zoning Code for (1) One side yard setback from required 20'-0" to proposed 18'-6" (2) Combined side yard setback from required 50'-0" to proposed 47'-3". Property is located at 199 North Shore Drive, Rock Hill, NY. S/B/L: 37.-3-1.2. In the Zone: RR-2

Chairman McClernon read legal notice aloud.

Proof of mailings were received.

Ethan Sherwood – We currently have a 900 sq. ft. house now and we are looking to upgrade to something bigger. We did our best to fit it on the lot the best we could. I also wanted to mention that my grandfather owns the lot next door.

Chairman McClernon – I think you did a nice job of straightening it out. Ethan Sherwood – And we tried to set it back a little further from the road than the existing one. Jay Mendels – Yeah, it looks like you improved the setbacks and tried your best to accommodate the awkward shape of the narrow lot.

Jay Mendels – What's there is totally coming down? Ethan Sherwood – Yes and we will be digging a foundation and everything.

Chairman McClernon – Is the shed going too? Ethan Sherwood – Yes. Either that or it will be shifted back some. Chairman McClernon – Okay, because it looks like it would be in the way of the front of the proposed building. Ethan Sherwood – Correct. So, we either have to move it or take it down completely.

No further questions or comments from the Board.

The meeting was opened up to the public for comment.

**Jeffrey Sherwood**, residing at 200 North Shore Road – Is neighbor/grandfather of the applicant and came to the meeting to show his support for this application.

No further questions or comments 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.

- (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 (Phyllis Perry)

A motion to approve all of the requested variance was made by Jay Mendels and second by Sean Walker.

All in favor, 0 opposed.

**APPLICANT: STANISLAW WISZKOWSKI**

Starlight Drive

Monticello, NY

S/B/L: 57.-2-28

Bren Salomon, Purchasing property

Applicant is requesting an Area Variance from §250-9 and 16(B) of the Town of Thompson Zoning Code for (1) One side yard setback from required 20' to proposed 10' (2) Combined side yard setback from required 50' to proposed 35' (3) Detached garage front yard setback from required 50' to proposed 21' (4) Detached garage one side yard setback from required 20' to proposed 18' (5) Detached garage combined side yard setback from required 50' to proposed 39' (6) Single family dwelling density from 1 per lot to proposed 2 per lot (7) Habitable dwelling area from required 1,000 sq. ft. to 800 sq. ft. (8) Detached garage closer to the road than the house – not permitted. Property is located on Starlight Drive, Monticello, NY. S/B/L: 57.-2-28. In the Zone: RR-2

Chairman McClernon read legal notice aloud.

Proof of mailings were received.

Bren Salomon – Everything is pretty standard with the exception of the ADU (Accessory Dwelling Unit) above the garage. In all honesty, I don't need the ADU, but a lot of my neighbors on this street have them. So, I figured I would include one, not realizing it would require some variances. If it is going to be difficult for the Board to approve it, I don't need it. I thought it was an as of right thing.

Chairman McClernon – What would you use the AUD for? Family? Bren Salomon – I wasn't really sure. I just thought it would be nice to have as an overflow room or possibly a caretaker. Like I said, I figured I might as well include it in the plans as it seemed to be a thing in the neighborhood. I don't really need it or have a plan for it. I don't really want to go to the mat for it. If you guys approve it, great. If not, I'm okay with that too.

Chairman McClernon – Do you own this or are you just building it for the owner? Bren Salomon – I will own it as of tomorrow morning. Right now, we are just in contract, but it is a hard contract. I have already wired the cash to the attorney and we are waiting to close on this tomorrow morning. Coincidentally, it would happen the day after the meeting for the variances. Chairman McClernon – Can we make a decision on something he doesn't own yet? Jim Carnell – Absolutely, he has an Owner's Proxy signed and on file. The variances will transfer with the transaction. Chairman McClernon – Okay.

Jay Mendels – What is there currently? Bren Salomon – It is currently an empty lot. Jay Mendels – Okay and it looks like because of the shape of the lot and of how narrow it is, is why you the variances for the house itself will be needed. We have encountered this before with other lake community properties and I personally don't have an issue with the requests in regards to the house, but would rather not see the apartment added. Phyllis Perry – I completely agree. Sean Walker – Me too. Bren Salomon – I completely understand.

Chairman McClernon – You were previously before us and built a house down the street, right? Bren Salomon – That is correct. Chairman McClernon – Will this one be similar to that since this property also has a steep slope away from the road? Bren Salomon – No. It will be a little different and, in my opinion, improved. The other lot was very short and very steep. At the last minute we found out about the 1077 flood plain mark and were forced to raise the whole house above that bed line. If I had known that at the time of designing the house, I would have made it wider and only two stories tall. That is actually what we are doing here. It will only be a two-story house, so it will sit a lot lower, and we have a lot more distance between the road and the lake with this property, so we will be at the 1077 mark 13 feet below the road. I am also not going to use trusses this time, which were thrown in at the last minute with the last house, so it should be really lovely.

No further questions or comments from the Board.

The meeting was opened up to the public for comment.

**Yuval Arey**, residing at 130 Starlight Road – Had the below questions:

- Are you building above or below the road?

Chairman McClernon – The house will be below the road on the lake side and the garage will be across the street on the upper portion.

- The 10-foot setback being requested, is that for the house or the garage?

Chairman McClernon – That is for the house.

- Will there be a house 10 feet to the side of mine?

Phyllis Perry – Where is your property? Yuval Arey – Above the road. Phyllis Perry – He is building the house below the road. Yuval Arey – Okay, then I have no objections and the applicant has my blessing.

No further questions or comments from the public.

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

Jay Mendels – We have to separate out the variance requests that apply to the living space in the garage, which would be #6, for the single-family dwelling unit, and #7, for the habitable dwelling unit.  
Chairman McClernon – Correct. That way we can deny those two variances and approve the rest.

A motion to deny variance requests 6 and 7 (variances applying to the livable space in the garage) was made by Jay Mendels and second by Phyllis Perry.  
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 (Phyllis Perry)

A motion to approve variance requests 1-5 and 8 (variances apply to the house and garage, only) was made by Jay Mendels and second by Cindy Ruff.

All in favor, 0 opposed.

**APPLICANT: FRANK LOGERFO**

126 Canal Road  
Rock Hill, NY  
S/B/L: 66.-17-5

Applicant is requesting an Area Variance from §250-9 and 21B(4) of the Town of Thompson Zoning Code for (1) Increasing a nonconforming structure – not permitted (2) Front yard setback from required 50’ to proposed 24’. Property is located at 126 Canal Road, Rock Hill, NY. S/B/L: 66.-17-5. In the Zone: RR-2

Chairman McClernon read legal notice aloud.

Proof of mailings were received.

Received HOA approval.

Frank Logerfo – What we are doing here is fairly simple and we are looking to raise the deck to the first floor. It is currently on three different levels and bringing it all to one level will make it easier to access and will give us more usable space. The deck will be 24 feet from the lake, which is all the HOA was really concerned about and they are okay with that.

Chairman McClernon – Are you going to add an addition to the existing deck or will you do a whole new deck? Frank Logerfo – We are going to tare it down and build a new one, all on one level. I don’t what I was thinking back in 2002 when I decided three levels would be cool.

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 application.

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; 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 second by Phyllis Perry.  
All in favor, 0 opposed.

**APPLICANT: GARDEN COTTAGES**

Varnell Road

Monticello, NY  
S/B/L: 18.-1-41.2

Applicant was not ready to come back to this meeting and requested to come back to the May 14, 2024 meeting.

A motion to hold this application open for another month, until May 14, 2024, was made by Jay Mendels and second by Phyllis Perry.  
All in favor, 0 opposed.

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

Respectfully submitted,

Laura Eppers  
Secretary  
Town of Thompson Zoning Board of Appeals