

TOWN OF THOMPSON  
ZONING BOARD OF APPEALS  
November 12, 2024

IN ATTENDANCE: Richard McClernon, Chairman      Darren Miller, Alternate  
Cindy Ruff      Dana Heimbach, Alternate  
Phyllis Perry      Steve Vegliante, Consulting Attorney  
Jay Mendels      Laura Eppers, Secretary  
Sean Walker  
James Carnell, Building Planning, Zoning

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

**APPLICANT: MARK & TERI JOHNSON**

10 Gold Point Road  
Rock Hill, NY  
S/B/L: 37.-13-4

Applicant is requesting an Area Variance from §250-8 of the Town of Thompson Zoning Code for (1) Rear yard setback from required 50' to proposed 27.6' (2) Percent of lot coverage from required 10% to proposed 27% (Previously approved @25%). Property is located at 10 Gold Point Road, Rock Hill, NY. S/B/L: 37.-13-4. In the Zone: RR-1

Chairman McClernon read the legal notice aloud.

Proof of mailings were received.

Received updated HOA approval.

Chairman McClernon – Good evening. You guys were here not to long ago and received some variance. Tell us why you are back. Mark Johnson – After getting through everything and looking at the finances, we realized we could get a few extra feet for some additional space. Terri Johnson – We were trying to be as conservative as possible, but we felt it was really squished and tight, so we wanted to come back and ask for the extra 2 feet before we went any further. Mark Johnson – And the extra space will really help out around the holidays when family and friends are over. Jay Mendels – Understandable and like we talked about before, there is no way to fit within the setbacks with a property like this. What is the overall square footage of the revised house? Terri Johnson – I think it is 1,500 or 1,6000 sq. ft. Chairman McClernon – It looks like the house will be 1,525 sq. ft. and the garage will be 1,321 sq. ft. Do you have a huge garage? Terri Johnson – No. Mark Johnson – I believe the garage is 25x22. Chairman McClernon – Oh, okay. Cindy Ruff – And that's under the house? Terri Johnson – Yes, there are bedrooms above the garage. Mark Johnson – No, it sits in front of the house. Cindy Ruff – Detached? Mark Johnson – Yes. Cindy Ruff – So, there is a full basement? Mark Johnson – Under the house, not the garage. Cindy Ruff – Okay. Jay Mendels – Essentially you are asking for 7 more feet than last time, right? Terri Johnson – Yes.

Jay Mendels – Is anything else changing? Terri Johnson – No. We debated eliminating the deck to have the extra footage, but what is a lake house without a deck. Chairman McClernon – You could always make it a patio and then it wouldn't count towards the square footage. Mark Johnson – But it would still count for the setbacks, so we would have needed a variance regardless. Jay Mendels – If I remember correctly there is a house there now that will be coming down. Terri Johnson – It is already down. Jay Mendels – And do we have the footprint of that anywhere on the plans? Terri Johnson – It is on the survey map. Jay Mendels – Okay and what you are doing is certainly in-line with everything else in the area, so I don't see any issue with it.

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 Sean Walker. 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; 3 voted no & 2 voted yes (Jay Mendels & Richard McClernon)
- (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 Phyllis Perry. All in favor, 0 opposed

**APPLICANT: OSCAR DELGADO**  
2 Bristol Circle  
Rock Hill, NY  
S/B/L: 52.G-1-69  
Ryan Mickelson, Representative

Applicant is requesting an Area Variance from §250-16B of the Town of Thompson Zoning Code for (1) Accessory building closer to the road than the main dwelling – not permitted. Property is located at 2 Bristol Circle, Rock Hill, NY. S/B/L: 52.G-1-69. In the Zone: SR with Central W/S

Chairman McClernon read legal notice aloud.

Proof of mailings were received.

HOA approval received.

Ryan Mickelson – Long story short, this is a corner lot, so it has 3 front yards, and the applicant wants to put a small, one-car garage. Relative to the street address, which is Bristol Circle, the garage will not be any closer to the road than the house. However, because of the other road, that runs down this side, this is required to get a variance. Jay Mendels – It looks like there is a deck on the front, will the garage be even with the deck or the house? Ryan Mickelson – It will be even with the house. Chairman McClernon – This is kind of unique because he has 3 front yards. Ryan Mickelson – Right and we talked preliminarily with the building inspector before we put the application in. Jay Mendels – And this is from Old Sackett Road? Ryan Mickelson – Yes. It's not the best view but I wanted to get a full pan. Chairman McClernon – Old Sackett runs here and here is his driveway. Ryan Mickelson – And there is a lot of trees in between. Jay Mendels – Will they be staying. Ryan Mickelson – Yes. The driveway and the garage will be set way back here. Phyllis Perry – Will they be keeping the little shed that is on the property? Ryan Mickelson – That I don't know. Chairman McClernon – I would think they would because it seems fairly new and is in good shape. Jay Mendels – Will the garage also be inline with the shed? Chairman McClernon – No. Jay Mendels – But no closer to the road than the shed, right? Ryan Mickelson – Correct. We will be maintaining that 15-foot setback. Jay Mendels – So, the shed that is already there is closer to Old Sackett than the garage you are looking to put up? Ryan Mickelson – Yes.

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

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 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 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 the variance as requested was made by Jay Mendels and seconded by Phyllis Perry. All in favor, 0 opposed

**APPLICANT: MAXINE KAVLESKI**

1132 Old Route 17  
Ferndale, NY  
S/B/L: 1.-1-33.1

Applicant is requesting an Area Variance from §250-30 of the Town of Thompson Zoning Code for (1) Installation of a billboard – not permitted. Property is located at 1132 Old Route 17, Ferndale, NY. S/B/L: 1.-1-33.1. In the Zone: CI

Chairman McClernon read legal notice aloud.

Proof of mailings were received.

Maxine Kavleski – I am back tonight because the State denied my permit. They originally approved it, but by the time I got through the process with this Board to get the required variances, all of the trees and foliage in their right-of-way grew in and blossomed and they now feel that it is too much to go in and clear their right-of-way. Which I don't understand because I would think they would want the right-of-way cleared, but they did apologize profusely because they did originally approve me and said I should find another spot on the property for the billboard.

Jay Mendels – The last time you were here was for a use variance, which we don't take lightly and you saw from all of the hoops you had to jump through, and in my opinion part of the reason we granted that is because the billboard would be on the highway side and would be in character with the neighborhood. I'm not sure if now putting on the Old Route 17 side would still be in character, as I am not too familiar with that road. Chairman McClernon – There is a little curve there in front of the property, but it will definitely fit on the property. Jay Mendels – But will it still be in character of the neighborhood? Chairman McClernon – There are no other billboards on that section of the road up to the town line. Jim Carnell – There are several billboards on the road, they just all face 17 not Old Route 17. But there are at least 6 properties with billboards on them on that stretch of the road. Cindy Ruff – But they are all on the highway side of the property, right? Jim Carnell – Correct and they are facing the highway. Jay Mendels – And due to the size of the property, you won't be able to see it from the highway if you put it on the Old Route 17 side, right? Maxine Kavleski – That is correct. On the Old Route 17 side, there are a lot of lit up signs on the buildings themselves, like the new storage place. Chairman McClernon – But those are permitted because they are building mounted. Jim Carnell – The storage place also has a free-standing sign. Chairman McClernon – But that is on the 17 side and you can't see it from Old Route 17. Maxine Kavleski – Absolutely you can. It can most definitely be seen from Old Route 17. Jim Carnell – So does Lipkowitz and Jacob Pollack. Chairman McClernon – Well, Lipkowitz is allowed because it is on a bungalow colony property. Jim Carnell – I am just saying that there are billboards on at least 6 properties. Maxine Kavleski – And the property to the right of me, where all of the port-a-potties are, you can see those billboards from Old Route 17 as well. Chairman McClernon – You may be able to see them, but they are not on Old Route 17. Maxine Kavleski – Right. Jay Mendels – So are there actually any other billboards on Old Route 17 for the traffic that travels down that road? Jim Carnell – Just Lipkowitz. Maxine Kavleski – As far as the Town of Thompson goes. Once you get to the Town of Liberty there are some on the road. Cindy Ruff – Is Lipkowitz a billboard or would that be considered a sign? Jim Carnell – It is a billboard. Chairman McClernon – Now Lipkowitz is the one down by the town line, right? Jim Carnell – Yes. Chairman McClernon – So, that's for his business there and it is maybe 10 or 15 feet by 6. Jim Carnell – I'm not sure of the size, but it is a permitted billboard. Chairman McClernon – But that is because it is advertising his business. Steve Vegliante – I don't think it matters what is being advertised; it just needs to be permitted. Maxine, will you be using the billboard to advertise your business? Maxine Kavleski – That is what I would like to use it for. Also, would you like me to address the driveway situation, because I can tell that is bothering you. Chairman McClernon – Yes please. That and the bungalow. Maxine Kavleski - So, God was with me and I got lucky because we had one hell of a drought.

But that doesn't mean anything because in 6 months from now it could be sitting in a swamp again. Because of the drought, I was able to have a guy come in and put in a driveway, but he told me that he cannot guarantee it won't wash away. I took advantage of the drought and had it installed anyway so that we can access the property. I didn't do all kinds of work to the property because I don't know how far I can go, but I did have it cleaned up. Again, I don't know what the property is going to look like in 6 months from now and NYSEG still has an easement right through the center of the property, so I am still very limited with the use of the property. Chairman McClernon – The driveway is a good stone base, right? Maxine Kavleski – Yes, it is stone and the guy who put it in did a great job, but again, he said there is no guaranteeing the work. Chairman McClernon – And it could get washed out. Maxine Kavleski – Correct and it is extremely wet in there. Phyllis Perry – I guess the question is what are you going to do with this building if you can't use it due to the possibility of flooding? Why don't you just take it down? Maxine Kavleski – Eventually I may have to and that is why I haven't put a lot of work into the building yet. I am not certain at this time what can be done with the building so at this time the only thing I am looking to do is move the billboard to the other side of the property. Because I received permission from this Board and the DOT to have the billboard, I went ahead and purchased a doubled sided billboard that now I can't do anything with. And rather than asking to use the full, double-sided billboard in a different location, I am trying to be as reasonable as possible and am only asking to use a single panel. It will be one sided and will be used to advertise my business. If you are worried about the integrity of the neighborhood, and I don't mean to keep downing my neighbors, but if you drive down the road, you will see that my billboard will be a lot nicer than what you see on most other properties down there. Cindy Ruff – And you said you are downsizing to one panel? Maxine Kavleski - Yes. Jay Mendels – Jim, is there any restrictions on the size of billboards? Jim Carnell – The allowed square footage is based off of road frontage and both roads count. Sean Walker – There's really no other billboards on Old Route 17, facing Old Route 17? Jim Carnell – I'm pretty sure it is just Lipkowitz and then some others as you get into Liberty. There was a couple of them right when you were getting off the highway, but I think those have all been removed.

Dana Heimbach – Will the water on the property cause any issues with the new location of the billboard? Maxine Kavleski – I plan on putting it 6-feet in the ground with concrete around it, so I hope not.

Chairman McClernon – Are you going to use the bungalow for your business? Maxine Kavleski – It all depends on how it works out after the winter when everything melts. But, yes, I would love to. That is my intention.

Jay Mendels – When we granted the use variance was there a condition that it would have to be on the highway side? Laura Eppers – There were no conditions as to where it had to go, but it was approved at that specific location. She received both a use and an area variance. Jay Mendels – Okay. Laura Eppers – There was a condition on the area variance, but that was only to shift it over slightly to meet DOT requirements on distance between billboards as well. Steve Vegliante – The overall record shows the location, but the conclusion of the use variance was that it was approved. So, it is now an approved use for this property, but we felt it best she come back to the Board if it is not going to be in the location indicated in the record. Obviously, she wants to move it now, so we asked her to come back. Jay Mendels – I would just like to say for the record that we granted the variance because of the

circumstances that were presented to us at the time and that does not seem to be the case anymore. Even though I disagree with it at this time, it was granted and therefore the use is allowed now.

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 Cindy Ruff.  
All in favor, 0 opposed

(1) Whether benefit can be achieved by other means feasible to applicant; 4 voted no & 1 voted yes  
(Phyllis Perry)

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

(3) Whether request is substantial; 4 voted no & 1 voted yes (Phyllis Perry)

(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 Jay Mendels and seconded by Sean Walker.  
4 in favor, 1 opposed (Richard McClernon)

**APPLICANT: LAURENCE STARK**

297 Cantrell Road  
Monticello, NY  
S/B/L: 17.-1-35

Applicant did not do his mailings and therefore withdrew his application. There was no one in the public for this application and no written comment received.

**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/shed – not permitted (2) Accessory building setback from the property line from required 10' to proposed 1.6'. Property is located at 4 Camp Kennybrook Road, Monticello, NY. S/B/L: 17.-1-35. In the Zone: RR-1

Chairman McClernon read legal notice aloud.

Proof of mailings were received.

Steve Vegliante – Before we begin, who is the owner of the property? Karen Farias – Myself and my brother, Christian Farias. Steve Vegliante – Okay.

Karen Farias – I am here tonight because we have a 20-foot container that we use for storage of our law equipment and machinery. Chairman McClernon – You use it like a shed. Karen Farias – Yes. Jay Mendels – Why didn't you just put up a shed? Karen Farias – Because my mom was particular on what she wanted and she thought a container would be better for year-round storage. We didn't know that containers are not allowed and were told that it would be acceptable if we make it to look like a shed. Jay Mendels – So, zoning is in force so that your neighbors aren't subject to look at something like that because it is not pretty. Karen Farias – Understood. Jay Mendels – In the past, we have had people bring forth plans on how they were going to make the container look like a shed, so that they can keep it, or some people only needed to use them temporarily, during construction or moving, with the understanding that it would be removed by a certain date. Do you have plans to keep it? And if so, do you have plans to disguise it? Karen Farias – Yes, we are planning on keeping it and we understand we need to make it look pretty. Jay Mendels – That is subjective, so I think we are going to need to see a plan for it. Karen Farias – Okay. Sean Walker – Exactly how big is the container? Karen Farias – 20 feet. Jay Mendels – I think we have a picture of it. Chairman McClernon – It is 8'x20'. Sean Walker – Oh I see. It is a sea can. Jay Mendels – That is the problem; it is an industrial thing in a residential setting. I wouldn't mind keeping this open to give them time to come up with a plan to show us what it will look like. Steve Vegliante – And a description of the material it will be covered with. Jay Mendels – Right and while we are here and discussing this, why is the container right up against the property line and not moved someplace else? Karen Farias – For what we are storing, it was the best place for it for access reasons. Also, the septic tank is right behind the house, so it can't go there. Jay Mendels – Is there any room on the other side? Or would that cause an issue with it being closer to the road? Chairman McClernon – That would be the case. Jay Mendels – Okay and this is where the existing driveway is, right? Karen Farias – Yes. Jay Mendels – Okay, so you are bringing forth 2 variance requests tonight. One is the container itself and the other is for the distance it is from the property line. While you are looking into what you can do about the container, maybe you can also use the time to look into possibly moving it somewhere else. Chairman McClernon – Well, they can't put it on the Maplewood side because it will be closer to the road than the house and that would require another variance. Jay Mendels – Okay.

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

The meeting was opened up to the public for comment, but there was not public for this application. However, written correspondence was received and read aloud for the record.

Link to David Rahni email:

[https://drive.google.com/open?id=1NIWjKhPYPqV1\\_oufeoVQ\\_mUXT6AGucMr&usp=drive\\_fs](https://drive.google.com/open?id=1NIWjKhPYPqV1_oufeoVQ_mUXT6AGucMr&usp=drive_fs)

Jay Mendels asked where the property of the above correspondence was located; are they a neighbor. Steve Vegliante advised that it appears to be vacant lot on South Maplewood Road. The Board agreed that the property is far enough away that they shouldn't be able to see the shed on this property and therefore should not be affected.

The Board decided to hold both the meeting and the public hearing open until the next meeting.

A motion to hold the application open until next month's meeting, December 10, 2024, was made by Jay Mendels and seconded by Sean Walker.

All in favor, 0 opposed

**APPLICANT: MARTIN GOTTESMAN**

19 Starlight Road  
Monticello, NY  
S/B/L: 57.-2-11.2

Applicant is requesting an Area Variance from §250-30 of the Town of Thompson Zoning Code for (1) Single Family front yard setback from required 50' to proposed 20' (2) Single Family one side yard setback from required 20' to proposed 8.8' (3) Single Family combined side yard setback from required 50' to proposed 36.6' (4) Single Family dwelling density from required 1 per acre to required 2 per acre (5) Single Family dwelling, not to exceed 1 per lot from required 1 to proposed 2 (6) Accessory Building setback from required 10' to proposed 6.8' (7) Accessory Building setback from required 10' to proposed 4'. Property is located at 19 Starlight Road, Monticello, NY. S/B/L: 57.-2-11.2. In the Zone: RR-2

Chairman McClernon read legal notice aloud.

Proof of mailings were received.

Steve Vegliante disclosed to the Board that he has know the applicant for over 30 years.

Chairman McClernon – You are here tonight for the deck that is on the garage across the street, right?  
Martin Gottesman – That is correct and once that went through, I kind of got dinged for a bunch of other things that needed to be brought into compliance. I took over the property six years ago from my father who passed away, so everything was done on his watch. About 15 years ago they had to replace the sewer pipes and to dig out around the side of the garage to get up to where the septic is. At that time, they tore down the small set of steps that were there, causing a 4-foot drop outside the door to the apartment above the garage. The deck does not extend past where the garage currently is or the retaining wall, that is there as well. The property to the right of me has been owned by my aunt for the last 20 years and she does not have any issues with it. Jay Mendels – Is that undeveloped land? Martin Gottesman – Yes, and it cannot be developed. Chairman McClernon – Facing the garage, the deck is on the right-hand side? Martin Gottesman – Yes. Chairman McClernon – It looks pretty new. Martin Gottesman – Correct. It was put up about 2 years ago. I believe. Jay Mendels – Where you just replacing what was there? Martin Gottesman – Yes. Steve Vegliante – What you are describing sounds like more f a landing. Martin Gottesman – No, it is a deck. Chairman McClernon. It's a deck now. It was a landing. Martin Gottesman – Correct. It got a little bigger. My mother-in-law is staying there now and she needed it to be a little bigger than it was. I thought because it was pre-existing, I didn't need a permit. But that is my fault for not checking. Same thing for the shed we are going to get to. At the time Greys did the shed, they said as long as it was on the existing framework that was there, we wouldn't need one. But it turns out we did. Jay Mendels – None of this stuff came up when you transferred ownership of the property? Martin Gottesman – No, but again it was from my father to me, so it was just a transfer



and not a purchase. Steve Vegliante – How long has your family been there? Martin Gottesman – Since 1984, so about 40 years. Steve Vegliante – I am only asking because maybe there was a zone change that caused the non-conformity. Jim, do you know. Jim Carnell – Not of the top of my head, Martin Gottesman – There is actually a survey from 1986 showing what was existing. I don't know if the building department forwarded that to you guys. Chairman McClernon – It is on the survey, but we don't know what the zoning was with lakefront properties back then. Martin Gottesman – The property has always been used by my family and never as a full-time residence. We are from the city, so it was used like a vacation house and I lived above the garage while I was in college. Now my mother-in-law is there. Jay Mendels – It ends up being a second dwelling, but we realize that with the road going through the property, a lot of people have a second accessory building across the street. However, we have recently approved a garage like this, but denied the apartment above it. In this case it is pre-existing and has been there for a long time, so it is a little different. If this wasn't pre-existing, I don't think we would have approved it like this.

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 Phyllis Perry.  
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; 4 voted no & 1 voted yes (Richard McClernon)
- (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 no & 1 voted yes (Jay Mendels)

A motion to approve all variances as requested was made by Phyllis Perry and seconded by Cindy Ruff.  
All in favor, 0 opposed

**APPLICANT: HELENA SHASKEVICH**

201 Beaver Lake Road  
Rock Hill, NY  
S/B/L: 34.-4-7

Applicant is requesting an Area Variance from §250-9, 16A(2) & 16B of the Town of Thompson Zoning Code for (1) Front yard setback from required 50' to proposed 32.8' (2) One side yard setback from required 20' to proposed 16.6' (3) Rear yard setback from required 50' to proposed 33' (4) Accessory building closer to the road than the main dwelling – not permitted (5) Accessory building setback from property line from required 10' to proposed 0.4' (6) Accessory building setback from property line from

required 10' to proposed 1.4' (7) Percent of lot coverage from required 10% to proposed 17.%. Property is located at 201 Beaver Lake Road, Rock Hill, NY. S/B/L: 34.-4-7. In the Zone: RR-2

Chairman McClernon read legal notice aloud.

Proof of mailings were received.

Helena Shaskevich – We are here tonight because we were recently notified that some of the structures on the property require a variance. We have not made any changes to the property since purchasing it and the survey shows all of the structures existed when we purchased at the time of purchase.

Chairman McClernon – When did you purchase it? Helena Shaskevich – I believe in 2020. Phyllis Perry –

If you are looking at your house from the road, do you know who owns the property to the right? Is it the lake? Because it is not very big. Helena Shaskevich – I believe it is the lake association, but I am not for sure. Phyllis Perry – Is there a HOA? Did you have to give these plans to them. Helena Shaskevich – I

didn't have to because we did not build any of it. It was all there already. But we did send out the notices to all of our neighbors, and there has not been any input from them that I know of. Chairman

McClernon – The shed looks pretty old but in good condition, so that has been there for a while. I think she is here tonight for the little, yellow garbage house up front here. Is the right? Helena Shaskevich –

Yes. Sean Walker – It matches the house. Chairman McClernon – It does and everything is pre-existing. Chairman McClernon – What brought this to the building departments attention? Jim Carnell – I'm not

sure. Jay Mendels – Also, the land to the right cannot be developed and there is no public access to the lake right there, so I don't have any issues. Steve Vegliante – And just for the record, the Bever Lake

neighbors were notified. Jay Mendels – And is there a HOA? Steve Vegliante – There are no facts to support that there is. Jay Mendels – But the neighbors were notices? Steve Vegliante – They were.

Steve Vegliante – They were.

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 Sean Walker.

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 no

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

(3) Whether request is substantial; 3 voted no & 2 voted yes (Jay Mendels & Richard McClernon)

(4) Whether request will have adverse physical or environmental effects; All voted no

(5) Whether alleged difficulty is self-created; All voted no

A motion to approve all variances as requested was made by Jay Mendels and seconded by Sean Walker.

All in favor, 0 opposed

**APPLICANT: GARDEN COTTAGES**

Varnell Road

Monticello, NY

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

Joel Kohn, Representative

Joel Kohn – I am back tonight on behalf of this project to have a conversation with the Board and see what we can do to work something out between the Board, the Town, and the different owners of the units. We can try to work out removing some of the additions, reducing the request. There were 6 variances left open from the last meeting, as there was no motion, and we can comfortably say that we can reduce 4 of those. With that being said, we are here to see how the Board feels about that and if you would consider something like that if we come back to the next meeting with a full, revised site plan showing the changes. We have those changes sketched onto the site plan I have with me tonight, so I can show the Board those. They are proposing to remove 10 feet from Units 1 & 2, which is about a total of 380 square feet, making the total expansion go from 62% to 40.3%. Units 3 & 4 also propose to remove 10 feet of their building, which is approximately 370 square feet, making that expansion go from 100% to 69.1%. Jay Mendels – But they will keep the easement where it is, right? Joel Kohn – Yes, they will have to keep it because they are still encroaching. Units 7 & 8 have a covered porch, which is 185 square feet and they will remove the roof, making that request go from 68.8% to 55.7%. Unit 20 also has a covered porch, which is 108 square feet, that they will uncover, making that request go from 88.8% to 67.5%. So, those are the units that can help with any kind of reduction. Again, it is hard when the building is finished to go back and remove some of it. But units 1 & 2 and units 3 & 4 have not completed final construction yet, so they are willing to remove 10 feet each. Jay Mendels – I want to thank you for that. I was kind of hoping this would have presented itself months ago, but I am glad to see that they are willing to compromise and have come back with figures that are a little more feasible. That take into account 4 of the variances left open, right? Chairman McClernon – And you said there was 6? Joel Kohn – Yes.

Steve Vegliante – Just so that the Board is aware, after the last meeting Joel and I did have a conversation and he asked me that even though there are some units that will not be able to be reduced, do I think the Board would consider approval if some could. I told him to go sharpen his pencil and then come back to the Board with any updates. Jay Mendels – And I really appreciate the effort. What are they looking for at this point? Steve Vegliante – Nothing official, this is just a discussion. I guess just a verbal that if they could get all of changes onto an updated site plan and submit it, that the Board would like to officially see those. Jay Mendels – Okay, but can we just go over the remaining to requests. Joel Kohn – Units 16 & 17 really cannot remove any of the addition because it is inside space that has been completely finished and it would be a much greater expense to remove it now. Jay Mendels – So, the addition onto that unit was interior area? Joel Kohn – Yes and the last one is units 23 & 24. Jay Mendels – And what's the deal there? Joel Kohn – This owner bought the bungalow about 5 years ago and most of the expansion was already done. They did add some, but like the other units, it has been completed for a while now and any compromise would be at a much greater expense to them. Jay Mendels – Fair enough. Phyllis Perry – Well, I also appreciate the effort. Jay Mendels – And, yes, in my opinion, if you came back to us with all of these numbers on an updated site plan that you can present, we would like that. That is what we have been asking for all along. Steve Vegliante – Okay, so I would say you are getting some positive feedback from the Board and at this point you can put together an updated site plan and get on an agenda for review. Joel Kohn – Okay. I will have our engineer update the site plan and get it submitted in time for the next meeting. I don't think we need a new application or legal notice since we are reducing the requests, not increasing. Steve Vegliante – Right. It has been

noticed with the greater requests and the Board does have the ability to grant a lesser request. Joel Kohn – Also, if we can get through this approval, we still have to get through Planning Board approval, which will require another public hearing for this. Steve Vegliante – There is also court involvement and they will have to deal with that as well, so this is just one piece of their journey to compliance. Laura Eppers – Will there have to be another public hearing when they come back to the next meeting as the public hearing was closed at the last meeting? Steve Vegliante – No. We took the public’s testimony and this is less of an ask. However, if the Board wants it re-noticed, you certainly can. Jay Mendels – I don’t think that is necessary. They have been before us many times now and if someone wanted to speak, they had plenty opportunity to. Steve Vegliante – Also, I think we heard from most of the neighbors and have a full understanding of their concerns. Chairman McClernon – So, is everyone happy with the new percentages? Jay Mendels – I wouldn’t say happy, but I think it is a way forward and I would like to see the final numbers. Sean Walker – I agree. I would like to see the updated site plan showing the numbers we discussed tonight. Chairman McClernon – Okay, sounds like we will see you at the next meeting. Just make sure you get the site plan to us in time to review it.

A motion to close the meeting at 8:14 p.m. was made by Sean Walker and seconded by Cindy Ruff. All in favor, 0 opposed.

Respectfully submitted,

Laura Eppers  
Secretary  
Town of Thompson Zoning Board of Appeals