

TOWN OF THOMPSON  
ZONING BOARD OF APPEALS  
Tuesday, April 13, 2021



IN ATTENDANCE: Chairman Richard McClernon  
Jay Mendels Barbara Strong  
Sean Walker  
Debbie Mitchell, Secretary

Absent: Richard Benson, Jim Carnell and Paula Kay

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

A motion to approve the March 9, 2021 minutes was made by Jay Mendels and seconded by Sean Walker  
4 in favor, 0 opposed

A motion to take the agenda out of order and put Monticello Chicken a.k.a Popeyes Chicken first was made by Jay Mendels and seconded by Sean Walker  
4 in favor; 0 opposed

**Applicant Monticello Chicken a.k.a Popeyes Chicken**

Applicant is requesting an Area Variance from §250-11 and §250-8 of the Town of Thompson Zoning Code for (1) Front yard setback from required 50' to proposed 47.6' (2) Combined side yard setback from required 70' to proposed 49.1' (3) One side yard setback from required 35' to proposed 23.8' (4) Signage shall not exceed linear feet of road frontage from required 648 linear feet to proposed 4,073.51 square feet.

Property is located at 4438 State Route 42, Monticello, NY S/B/L: 13.-3-40.3 in the HC2 zone with central W/S.

Richard Baum, attorney  
Robert Grimaldi, Architect from G141 Architecture, LLC  
Kiran Muppala, Engineer from GreenbergFarrow  
Rich Procanik, engineer from GreenbergFarrow  
Pablo J Medeiros, representing the Thompson Square Mall – Heidenberg Properties  
Lawrence BenBaassett

Satisfactory proof of mailing was provided to the Board.

Mr. Baum – We are looking for 4 variances, 1 – Front yard setback, 2 – Combined side yard setback, 3 – Side yard setback and 4 – Signage, the sign ordinance has changed so we need a variance. The existing parking has enough parking according to your parking statue, so no variance required for it. We intended to show that there will be no undesirable change in neighborhood, no detriment to neighboring properties, it's wholly consistent with the use of the land. There is no other way to get this

benefit without any variances. There will not be any adverse physical or environmental conditions. It is only self-created because we want to put up a new building.

Mr. Muppala show the board the site plan.

Mr. Muppala - The existing Bank will come down and we will put up a 2,416 square foot building with about 48 seats. The signage will be "Love that Chicken Sign" size, 44.72 square feet, 2 "Popeyes Seal Sign", size 7.07 square feet, "Popeye's and Louisiana Kitchen Sign" size 29.65 square feet, the total signage is 88.51 square feet. The variances are:

Front yard setback for Popeye's Restaurant required 50' proposed 47.6'

Side yard setback for Popeye's Restaurant required 35' proposed 23.8'

Combine side yard setback for Popeye's Restaurant and Marshalls required 70' proposed 49.1', but this should be 48.8'

Total sign area and individual signs exceeding 40' each

If the overhangs are less than 2 foot they don't need to be counted in the setback. But we are proposing a 3 foot overhang, so we are showing the setback with the overhang. If we don't count the overhangs then it will be 50.5' and we wouldn't need the variance. For the side yard, the existing was 19.8' and we are proposing 23.8' which is an improvement. For these variances we cannot shift the building or redo the overhangs. We are limited with space to the east of the property. Want to maintain the spacing between the restaurant and the auto zone. The signage variance is measured as a linear of road frontage from required 648 linear feet to proposed 4,073.51 square feet. If you measure along Rt 42 and along Golden Ridge Road the linear is 648. We were originally approved for 3,985 square feet. The existing bank has signage now, which we believe is more than the 88.51 square feet we are proposing. We don't have the exact measurements but we believe it's more than what we are proposing. The frontage for Popeye's is 142.5 feet, and we are proposing 88.51 square feet.

The existing parking is 860 spaces, we are removing 8 and proposing 19 spaces for the Restaurant giving us a total of 871 parking spaces. Which is 11 more than the existing spaces and is within the Towns laws.

Chairman Richard McClernon – I talked to the Building Dept today and they said the 3,985 square feet was approved from one of the previous banks. And one moved across the street. So, they weren't sure which bank had the most signage. Your signage is going to be 88 square feet more? Mr. Muppala – Yes.

Jay Mendels – You are filling up a lot of the space with the building and putting in more parking. But what are you doing to preserve green space so its not just all parking? Mr. Muppala – We are reducing the building area. We are proposing landscaping around the building. We have a landscape plan. Jay Mendels – The drive though side is along the road? Mr. Muppala – Yes. Jay Mendels – Where the driveway is going is where it is now so there is no way to improve the buffer? Mr. Muppala - It will be the same as it is now. Jay Mendels – Signage, can you reduce that amount? Mr. Muppala – There are existing sign's there now, one on the North side, East side and South side. There are a lot of sign's there now. Our proposal is for less than what is there now. Our signage is a Popeye's standard.

Jay Mendels – Why is it across the street from Kentucky Fried Chicken? Mr. Grimaldi – Not speaking for the owners but, competition is not a bad thing when it comes to food.

**PUBLIC COMMENT:**

No Public Comment

**PUBLIC COMMENT CLOSE:**

A motion to close the public hearing was made by Barbara Strong and seconded by Jay Mendels  
4 in favor; 0 opposed

A motion for a negative declaration for SEQRA was made by Jay Mendels and seconded by Sean Walker  
4 in favor; 0 opposed

Chairman Richard McClernon – The notice was sent out having a combine side yard setback proposed of 49.1’ and you’re saying it’s 48.8’? Mr. Muppala – Yes, it’s supposed to be 48.8’. Chairman Richard McClernon – I don’t think we can’t vote on this now since it was noticed as 49.1’.

Jay Mendels – Maybe you can find 3 inches. Mr. Baum – The 48.8 didn’t get carried over correctly from the plans.

Mr. Grimaldi – The side yard set back is to the canopy. If it’s going to be an issue then we can order a smaller drive through canopy. Mr. Baum – If you grant it as we noticed it then we can deal with it on the construction side. Chairman Richard McClernon – We can go ahead and approve it as it was noticed to the public.

**AREA VARIANCE CRITERIA:**

(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 – Jay Mendels - It fits in with the retail and food strip.

(3) Whether request is substantial; All voted No. Jay Mendels – Just on the signage, but that doesn’t take in the food establishments.

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

(5) Whether alleged difficulty is self-created; All voted No. Jay Mendels – We are restricted by lot sizes. Chairman Richard McClernon – Because of the lot size, you can’t make land and that is all that is allowed in that spot.

A motion to approve the variances was made by Jay Mendels and seconded by Barbara Strong  
4 in favor; 0 opposed

**Applicant Emerald Green Lake Louise Marie Water Company**

Applicant is requesting an Area Variance from §250-7 of the Town of Thompson Zoning Code for (1) Height of a public utility from required 35' to proposed 50' (2) Minimum lot area for public utility structure from required 3 acres to proposed 1.50 acres (3) Multiple dwelling minimum lot size from required 10 acres to proposed 5.63 acres.

Property is located at 241 Lake Louie Marie Road, Rock Hill, NY S/B/L: 52.-1-4 & 52.-1-2 in the SR zone with central W/S  
Glen Smith, engineer

Satisfactory proof of mailing was provided to the Board.

Mr. Smith - This is a parcel on Lake Louise Marie Road and the water company owns that parcel which is 7.88 acres. Next door is the former Frontier and Nana's house. We want to subdivide the 7.88 parcel. It has been changed to a SR zone recently. They need a water tank and want to put one on the property. There is an existing house on the property now. They want to sell a part of the property to The Center for Discovery for there residential homes. We need 1.5 acres for the water tower. We are asking for 50 feet for the tank and this is lower than the trees. And 5.6 acres will be sold to The Center for Discovery for a cluster development of 4 units.

Chairman Richard McClernon – Why are you making it a cluster and dividing it? If you took 1.5 acres and added it to the water tank area then you would have 4 acres and a couple of feet. Then could just put in two one family houses in each. Mr. Smith – It's actually 2 attached house. This is the standard design The Center has used. We are trying to get a buffer zone from the tank to the houses. If this 5.68 parcel was to be developed it would allow 11 units but we are asking for just 4 units. The access will be behind the school. Chairman Richard McClernon – I don't like the creating of 4 units instead of 1 family dwellings. Mr. Smith – They are considered 1 family homes. Chairman Richard McClernon – The property will be classified as an institution. Mr. Smith - It will be owned by The Center for Discovery but I don't know if it will be classified as an institution. They will be using the school next door. They will be clients. Chairman Richard McClernon – The old Frontier Building is going to be a hospital? Mr. Smith – Yes and it is allowed there we have been in front of the planning board.

Jay Mendels – What will this water tank be used for? Mr. Smith – Right now the Emerald Green Water company doesn't have a water tank and that is what this will be. The sale of this lot will help fund the water tank. Jay Mendels – Were the water tank is now will it be surrounded by trees? Mr. Smith – Yes Jay Mendels – Any support building's going to be around it? Mr. Smith – No.

**PUBLIC COMMENT:**

Rosemary Lasche – Since I have the property across the street. What will be our visual impact from the water tank? Mr. Smith – The tank will be up the hill and behind the trees. It will not be higher than the trees, you might see it in the winter when there are no leaves. Ms. Lasche – The exit will be gated so it will only be used for select purposes? Mr. Smith – The intend is to use the same driveway. Rosemany – But will it be the main drive? Mr. Smith – No, it's a backup drive and it will stay the same as it is.

PUBLIC COMMENT CLOSE:

A motion to close the public hearing was made by Barbara Strong seconded by Jay Mendels  
4 in favor; 0 opposed

A motion for a negative declaration for SEQRA was made by Jay Mendels and seconded by Sean Walker  
4 in favor; 0 opposed

AREA VARIANCE CRITERIA for the Height of the Utility:

(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 Yes. Jay Mendels –  
Water tank is different then having a house.

(3) Whether request is substantial; All voted Yes. Jay Mendels – It is probably needed. Chairman Richard  
McClernon – Because it's 50' and required is 35' and I think they could have done a smaller wider tank.

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

(5) Whether alleged difficulty is self-created; Jay Mendels Voted Yes, Barbara Strong Voted No, Sean  
Walker Voted Yes and Chairman Richard McClernon Voted Yes

A motion to approve the height of the public utility structure was made by Jay Mendels and seconded by  
Sean Walker  
4 in favor; 0 opposed

AREA VARIANCE CRITERIA Lot area and dwelling lot size:

(1) Whether benefit can be achieved by other means feasible to applicant; All voted Yes. Chairman  
Richard McClernon – They can divide that once piece of the parcel into other parcel's and wouldn't need  
variances.

(2) Undesirable change in neighborhood character or to nearby properties; Jay Mendels, Barbara Strong  
& Sean Walker all Voted No. Chairman Richard McClernon – The water tank will be undesirable in the  
area. Voted Yes

(3) Whether request is substantial; All voted Yes. Chairman Richard McClernon – The four houses in the  
cluster could be stretched out for the same result

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

(5) Whether alleged difficulty is self-created; All voted Yes. Chairman Richard McClernon – They can  
build the same things with no variances if they wanted to.

A motion to approve the 2 variances was made by Barbara Strong and seconded by  
Jay Mendels –I think there are too many other options that are left on the table.

Sean Walker – I agree with Jay Mendels, there are plenty of options they could explore.

A motion to disapprove the 2 variances was made by Jay Mendels and seconded by Sean Walker  
4 in favor; 0 opposed

**Applicant Robert Revere**

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' to proposed 19.3' (2) Combined side yard setback from required 50' to proposed 49.3' (3) Percentage of lot coverage from required 10% to proposed 12.3%.

Property is located at 144 Canal Road, Rock Hill, NY S/B/L: 66.-17-11 in the RR2 zone without central W/S

Lilli Frank Revere  
Tim Gottlieb, engineer

Satisfactory proof of mailing was provided to the Board.

Mr. Gottlieb – This is an existing cabin that they want to improve. They want to square off the building, re-due the interior and put on a 26' X 30' garage. The setback from the existing is the same as the proposed building and the only thing we are changes is the lot coverage for the garage.

Chairman Richard McClernon - The new design doesn't show decks? Mr. Gottlieb – They are included in the foot print.

Chairman Richard McClernon – We got an approval from Wolf Lake Homeowners Association.

Jay Mendels - It looks like you have gone out of your way to try to minimize the variance. I appreciate that. Chairman Richard McClernon – You are staying within the existing footprint and that is very nice to see.

**PUBLIC COMMENT:**

No Public Comment

**PUBLIC COMMENT CLOSE:**

A motion to close the Public Hearing was made by Jay Mendels and seconded by Sean Walker  
4 in favor; 0 opposed

**AREA VARIANCE CRITERIA:**

(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. Jay Mendels – Any changes like this is an improvement.

(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; Jay Mendels, Barbara Strong and Sean Walker All Voted Yes. Chairman Richard McClernon – I don't think they creating much of a difficulty, Voted No

A motion to approve the variances was made by Jay Mendels and seconded by Sean Walker  
4 in favor; 0 opposed

**Applicant Jack Rodriguez**

Applicant is requesting an Area Variance from §250-9 of the Town of Thompson Zoning Code for (1) Building height from required 30' to proposed 36'.

Property is located at Moonlight Drive, Monticello NY S/B/L: 57.-4-9.2 in the RR2 zone without central water/sewer zone.

Jack Rodriguez, applicant

Satisfactory proof of mailing was provided to the Board.

Mr. Rodriguez – We are building a A-frame on a 4.1-acre lot. They are naturally subdividing by the roads in between each lot. So, it's technically now 4 lots instead of 2, it was done by the Town. The main intention is for a place for my parents to stay in. We currently have a home on the 4 acres that is next door. A A-frame is typically 65/66-degree angle which is recommended. This home could have been 5 feet lower, but we raised it for our parents. It won't have a basement instead we move our utility area on to the main floor. With that the roof angel gets raised up. The second reason is so we can put 4 bunkbeds on the second floor.

Chairman Richard McClernon – I noticed on the county map its say's your lot is 4.7 acres. Mr. Rodriguez – Again, there is the road's that go right through the lot and because of this they are a little bigger on one side. Mr. Rodriguez – This home will not be visible to anyone.

Jay Mendels – I know you said your Mom likes the A-frame but have you thought of other styles? Mr. Rodriguez – Yes, and I have the luck to be able to do the architectural design for her. I want to give her this since she has always wanted a A-frame.

**PUBLIC COMMENT:**

No Public Comment

**PUBLIC COMMENT CLOSE:**

A motion to close the public hearing was made by Barbara Strong and seconded by Jay Mendels  
4 in favor; 0 opposed

**AREA VARIANCE CRITERIA:**

(1) Whether benefit can be achieved by other means feasible to applicant; Barbara Strong – Voted No, it's what his Mom wants. Jay Mendels – Voted Yes, Sean Walker – Voted Yes, Chairman Richard McClernon – Voted Yes, because he can build it shorter but it doesn't give him what he wants.

(2) Undesirable change in neighborhood character or to nearby properties; All voted No. Chairman Richard McClernon – An A-frame would be neat.

(3) Whether request is substantial; Barbara Strong and Sean Walker-Voted No. Jay Mendels – Voted Yes, it's a 20% increase over our requirements. Chairman Richard McClernon – Voted No, we have built large garages.

(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 variances was made by Barbara Strong and seconded by Jay Mendels 4 in favor; 0 opposed

**Applicant Khaim Rozhik**

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 34.7'

Property is located at 10 Lake Shore Drive West, Rock Hill, NY S/B/L: 52.-I-3-3 in the SR zone with central W/S.

Khaim Rozhik, applicant

Satisfactory proof of mailing was provided to the Board.

Mr. Rozhik – I'm trying to extend the rear porch because it is very small to 14 feet wide to 40 feet long. Chairman Richard McClernon – Is the deck the same length as the house? Mr. Rozhik – Yes.

Chairman Richard McClernon – Did you get approval from Emerald Green? Mr. Rozhik – Yes, they said they would give me permission as soon as you approve.

**PUBLIC COMMENT:**

No public Comment

**PUBLIC COMMENT CLOSE:**

A motion to close the Public Hearing was made by Jay Mendels and seconded by Sean Walker 4 in favor; 0 opposed

**AREA VARIANCE CRITERIA:**

(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

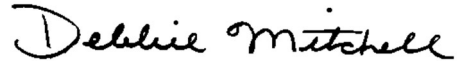
A motion to approve the variances contingent on see the letter from Emerald Green was made by Jay Mendels and seconded by Sean Walker

4 in favor; 0 opposed

A motion to close the meeting at 8:23 pm was made by Jay Mendels and seconded by Barbara Strong

4 In favor; 0 opposed

Respectfully submitted,

A handwritten signature in cursive script that reads "Debbie Mitchell". The signature is written in black ink and is positioned below the text "Respectfully submitted,".

Debbie Mitchell

Secretary

Town of Thompson Zoning Board of Appeals