

TOWN OF THOMPSON  
ZONING BOARD OF APPEALS  
May 13, 2025

IN ATTENDANCE: Richard McClernon, Chairman      Laura Eppers, Secretary  
Jay Mendels      Michael Mednick, Acting Attorney  
Phyllis Perry  
Sean Walker  
Darren Miller, Alternate  
Dana Heimbach, Alternate  
James Carnell, Building Planning, Zoning

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

There was no Zoom option for this meeting due to technical difficulties.

A motion to approve the March 11, 2025 minutes was made by Jay Mendels and seconded by Dana Heimbach.

All in favor, 0 opposed

A motion to approve the April 8, 2025 minutes was made by Jay Mendels and seconded by Sean Walker.  
All in favor, 0 opposed

Chairman McClernon appointed Dana Heimbach and Darren Miller as alternating voting members for tonight's meeting.

**APPLICANT: ANJ REALTY**

271 Lake Louise Marie Road  
Rock Hill, NY  
S/B/L: 52.-1-9  
**Matt Morreale, Representative**

Applicant is requesting an Area Variance from §250-10 of the Town of Thompson Zoning Code for (1) Habitable square footage of an apartment in multiple dwelling (Unit 201) from required 1,000 sq. ft. to proposed 539 sq. ft. (2) Habitable square footage of an apartment in multiple dwelling (Unit 202) from required 1,000 sq. ft. to proposed 528 sq. ft. (3) Habitable square footage of an apartment in multiple dwelling (Unit 203) from required 1,000 sq. ft. to proposed 541 sq. ft. (4) Habitable square footage of an apartment in multiple dwelling (Unit 204) from required 1,000 sq. ft. to proposed 506 sq. ft. (5) Habitable square footage of an apartment in multiple dwelling (Unit 205) from required 1,000 sq. ft. to proposed 514 sq. ft. (6) Habitable square footage of an apartment in multiple dwelling (Unit 206) from required 1,000 sq. ft. to proposed 598 sq. ft. (7) Multiple dwelling front yard setback from required 40' to proposed 15' (8) Habitable square footage of an apartment in multiple dwelling (Unit 101) from required 1,000 sq. ft. to proposed 503 sq. ft. (9) Habitable square footage of an apartment in multiple dwelling (Unit 102) from required 1,000 sq. ft. to proposed 560 sq. ft. (10) Habitable square footage of

an apartment in multiple dwelling (Unit 103) from required 1,000 sq. ft. to proposed 560 sq. ft. (11) Multiple dwelling minimum lot area from required 10 acres to proposed 6.81 acres. Property is located at 271 Lake Louise Marie Road, Rock Hill, NY. S/B/L: 52.-1-9. In the Zone: HC-1 with central W/S

Chairman McClernon read the legal notice aloud.

This application was first noticed in March and then re-noticed in April, to include additional variance requests. There was no representative present at the April meeting; a motion was made to hold both the application and public hearing open until this meeting.

During the work session, there was some discussion of who the current owner of the property is. Matt Morreale clarified that ANJ Realty is the current owner of the property. There is a church group looking to buy the property, but there is no contract in place yet.

The meeting was opened up to the public for comment first.

**Camille Johnston**, LLM HOA president – Had the below questions:

- Is the property for sale?
- Is the applicant still asking for 9 apartments?

Chairman McClernon advised that the application/variance requests are still the same.

- Will the property be sold if they don't get these requests approved?

Chairman McClernon advised that the owner has the right to sell and the property could be developed by right.

Patricia Galligan @ 268 Lake Louise Marie Road – Had the same concerns as stated in her written correspondence submitted for the March meeting. Also had the below questions?

- What prevents the property owner from adding another multi-dwelling building to the property?

No further comments from the public in attendance.

Chairman McClernon stated that additional written comment has been received since the last meeting and entered into the record. He read only the names aloud and if they were in opposition or favor of the application:

Taryn Duffy - [https://drive.google.com/open?id=12YFsGlpKXk5EesjirHThI9gFwJHekVf\\_&usp=drive\\_fs](https://drive.google.com/open?id=12YFsGlpKXk5EesjirHThI9gFwJHekVf_&usp=drive_fs)

Kathleen O'Donohue -

[https://drive.google.com/open?id=11BHMWin49q4a4yb3Fg5hjzdkOeyeVj3E&usp=drive\\_fs](https://drive.google.com/open?id=11BHMWin49q4a4yb3Fg5hjzdkOeyeVj3E&usp=drive_fs)

Angelika Nyzio -

[https://docs.google.com/document/d/1JoIVzDHSC\\_bwFf28SD6GWYwbYvxPVZYn?rtpof=true&usp=drive\\_fs](https://docs.google.com/document/d/1JoIVzDHSC_bwFf28SD6GWYwbYvxPVZYn?rtpof=true&usp=drive_fs)

Francesca Chacon - [https://drive.google.com/open?id=1UFZlYupJ5c-JaWtu3CgwwQZrYo99MXQ&usp=drive\\_fs](https://drive.google.com/open?id=1UFZlYupJ5c-JaWtu3CgwwQZrYo99MXQ&usp=drive_fs)

Janey Ricchazza -

[https://drive.google.com/open?id=1aWezGagL4OyDGOOsmg5gp9Uz05jjgVMN&usp=drive\\_fs](https://drive.google.com/open?id=1aWezGagL4OyDGOOsmg5gp9Uz05jjgVMN&usp=drive_fs)

Mederic Hanley -

[https://drive.google.com/open?id=1wKB1jbaRloB4loIVZK0c1ORqfxngiMQK&usp=drive\\_fs](https://drive.google.com/open?id=1wKB1jbaRloB4loIVZK0c1ORqfxngiMQK&usp=drive_fs)

The Lake Communities Alliance -

[https://drive.google.com/open?id=1ddpS8EKIG0saZQ\\_t3KvufuZbOn4f\\_hl4&usp=drive\\_fs](https://drive.google.com/open?id=1ddpS8EKIG0saZQ_t3KvufuZbOn4f_hl4&usp=drive_fs)

Donnamarie Pasternack - [https://docs.google.com/document/d/1Z0V-](https://docs.google.com/document/d/1Z0V-TaCgVsw1cni7KOIOqHS9zIsY0R4f?rtpof=true&usp=drive_fs)

[TaCgVsw1cni7KOIOqHS9zIsY0R4f?rtpof=true&usp=drive\\_fs](https://docs.google.com/document/d/1Z0V-TaCgVsw1cni7KOIOqHS9zIsY0R4f?rtpof=true&usp=drive_fs)

Manon Frappier -

[https://drive.google.com/open?id=1JnMACeViqLFn49E0KHQ8g846gOLqP6Vk&usp=drive\\_fs](https://drive.google.com/open?id=1JnMACeViqLFn49E0KHQ8g846gOLqP6Vk&usp=drive_fs)

A motion to close the public hearing was made by Dana Heimbach and seconded by Jay Mendels.  
All in favor, 0 opposed

Matt Morreale advised that the written comments were provided to him and he has prepared a written response that should address most concerns/questions raised. He read the below aloud:

[https://drive.google.com/open?id=1Ggs5db9emUxUB0mylMD-mphWz9xsO65I&usp=drive\\_fs](https://drive.google.com/open?id=1Ggs5db9emUxUB0mylMD-mphWz9xsO65I&usp=drive_fs)

The Board had the following questions/comments:

- Is the property for sale?

Matt Morreale advised it is.

- But is the plan to keep it and rent out apartments?

Matt Morreale advised that is the plan and the property is only up for sale in case in case they can not get Zoning Board approval. The owner will need to mitigate his loss.

- Why was there a mix up about the row housing use and why can that use not be proposed?

Matt Morreale advised that as he understands it, each unit would require their own/separate entrance and these will not. Jim Carnell added that each unit would also require their own/individual SBLs.

- Is it correct that this property, by right, could have up to 14 duplex buildings?

Jim Carnell advised that is correct. By right, with Planning Board approval, the property could be subdivided and a duplex constructed on each lot.

- How can it be assured that these units will be long term leases?

Matt Morreale suggested it be a condition of the approvals to make the Board more comfortable.

Michael Mednick advised that is not in this Board's purview. Matt Morreale advised that they are sincere about that.

- Are these apartments for Center for Discovery employees?

Matt Morreale clarified it is not just for their employees; they are just close by and were used as an example. There is a demand for affordable housing for young professionals/couples in the area.

- Do you know an approximate price range the rent will be?

Matt Morreale advised it will be somewhere between \$1,400 to \$1,800.

- Are they marketing to single people/couples only?

Matt Morreale advised that even though the units are on the smaller side, they could accommodate a family, but would most likely be a starter apartment.

- Is there any proposed parking in the front?

Matt Morreale advised that even though there is quite a bit of room up front, the parking is proposed to be on the side and there will be no road parking.

- Jim Carnell pointed out that the need for the front yard setback is not on the applicant. The structure was constructed prior to the code and a portion of the frontage was taken by NYS DOT when the highway was constructed.
- You mentioned adding some landscaping; will that help provide some buffer?

Matt Morreale advised that he is not sure it will help create a buffer, but the intention is to make the property look nice.

No further questions/comments from the Board.

The Board agreed to vote on the variance requests in 3 sections.

The 9 requests in regards to the habitable square footage:

(1) Whether benefit can be achieved by other means feasible to applicant; 4 voted yes and 1 voted no (Jay Mendels)

(2) Undesirable change in neighborhood character or to nearby properties; 3 voted no and 2 voted yes (Jay Mendels and Dana Heimbach)

(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; 3 voted yes and 2 voted no (Richard McClernon and Dana Heimbach)

A motion to approve the 9 variance requests regarding the habitable square footage was made by Phyllis Perry and seconded by Sean Walker.

3 in favor, 2 opposed

The variance request for the front yard setback:

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 no

A motion to approve the variance request for the front yard setback was made by Jay Mendels and seconded by Dana Heimbach.

All in favor, 0 opposed

The variance request for minimum lot area:

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; 4 voted no and 1 voted yes (Jay Mendels)

A motion to approve the variance request for the minimum lot area was made by Phyllis Perry and seconded by Dana Heimbach.

3 in favor, 2 opposed

**APPLICANT: THOMPSON'S OWN SOLAR**

Downs Road

Monticello, NY

S/B/L: 16.-1-30.2

Robert Romine, Representative

Applicant is requesting an Area Variance from §250-92C(1) of the Town of Thompson Zoning Code for (1) Maximum solar panel height at maximum tilt from required 16' to proposed 18.5'. Property is located on Downs Road, Monticello, NY. S/B/L: 16.-1-30.2. In the Zone: RR-1

Chairman McClernon read the legal notice aloud.

Robert Romine explained that they are back to request the same variance that was previously approved on September 10, 2024 because it was requested/approved prematurely. They had not finished with the SEQR process, which is part of the Planning Board review, before requesting/receiving the variance. As a condition listed in the approval resolution, they were to come back to this Board and get the variance reaffirmed. He also reminded the Board that they are requesting the variance because they do not wish to disturb/grade any of the site for environmental reasons.

The Board had the following questions/comments:

- Everything is exactly the same as the first request/approval?

Robert Romine advised that is correct.

- How many panels will be exceeding the maximum height?

Robert Romine advised that it is only a small portion of the panels; less than 5%.

- Will the solar farm sit back off of the road?

Robert Romine advised that it will and as part of the Planning Board approval, they are to leave a significant buffer between the road and the project.

- How many acres will be affected?

Robert Romine advised that roughly 35 acres will be affected.

- Not in favor of all the clearing, but not in our purview.

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 seconded 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 Darren Miller)

A motion to approve the variance request was made by Phyllis Perry and seconded by Jay Mendels.

All in favor, 0 opposed

**APPLICANT: RICHARD STEINBERG**

10 High View Terrace

Rock Hill, NY

S/B/L: 55.-4-17.7

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 25.5' (2) Rear yard setback with W/S from required 40' to proposed 30.5' (3) Combined side yard setback with W/S from required 40' to proposed 35.5' (4) Percent of lot coverage from required 20% to proposed 22.5%. Property is located at 695 High View Terrace, Rock Hill, NY. S/B/L: 55.-4-17.7. In the Zone: SR with central W/S

Chairman McClernon read the legal notice aloud.

Richard Steinberg explained that this application/proposed house will be very similar to the adjacent house, which he actual built 10 years ago. These are small lots and therefore impossible to meet the zoning requirements.

The Board had the following questions/comments:

- Is the proposed deck included in the calculations for the variance requests?

Jim Cernel advised that it was included.

- Will need HOA approval.

Richard Steinberg advised that this lot was never deeded to be part of the HOA.

- Do you have a copy of the deed?

Richard Steinberg advised that he does not have a copy with him.

- Will need some formal clarification on whether or not this lot is part of the HOA. If so, will need HOA approval.
- Feels the applicant did a great job centering the proposed house, as best as possible, on the lot and the size of the proposed house is modest.

No further questions/comments from the Board.

The meeting was opened up to the public for comment.

It was brought to the Board attention that the legal notice was not mailed. However, it was published in the Democrat, so the Board will hear any public that is in attendance tonight and keep both the application and the public hearing open until the next meeting.

**Susan Klieman @ 13 High View Terrance** – Stated she resides in the house directly across the street and the property is always full of garbage. Has asked on multiple occasions to have it cleaned up, but nothing ever done.

No further comments from the public.

A motion to hold both the application and the public hearing open until next month's meeting, June 10, 2025, was made by Jay Mendels and seconded by Phyllis Perry.  
All in favor, 0 opposed

**APPLICANT: PETER BELORUSETS**

53 Crescent Circle  
Rock Hill, NY  
S/B/L: 54.-2-30

Applicant is requesting an Area Variance from §250-7 of the Town of Thompson Zoning Code for (1) Rear yard setback with W/S from required 40' to proposed 38.6' (2) Percent of lot coverage with W/S from required 20% to proposed 22.3% (3) One side yard setback from required 15' to proposed 9' (4) One side yard setback from required 15' to proposed 7' (5) Combined side yard setback from required 40' to proposed 16' (6) Percent of lot coverage with W/S from required 20% to proposed 35.9%. Property is located at 53 Crescent Circle, Rock Hill, NY. S/B/L: 54.-2-30. In the Zone: SR with central W/S

Chairman McClernon read the legal notice aloud.

HOA approval was received.

Peter Belorusets explained that he thought this was a small project and wouldn't need a permit. The concrete patio was already existing; they just added a couple additional feet of concrete. There was also an existing wooden deck that they replaced and enclosed as a sunroom. Both structures were unsafe when they purchased the house and they just wanted to make them safe.

The Board had the following questions/comments:

- Was there also an addition made to the house?

Peter Belorusets advised that they did not construct an addition. They just fixed and enclosed the wooden porch to make a sunroom.

- Is there heat in the sunroom?

Peter Belorusets advised there is no heat.

- What is the size of sunroom?

Peter Belorusets advised that it is 18'x18'

- Has a building permit application been submitted for the work yet?

Peter Belorusets advised that they did submit an application. It was denied and they were referred to this Board.

- Why are there 2 requests for lot coverage?

Jim Carnel advised that was in error. When the building plans were first submitted, Logan did not realize a portion of the concrete patio was over 12' high and would need to be included. She requested a new survey showing the dimensions and lot coverage with the concrete patio included. The larger request is the correct lot coverage.

No further questions/comment 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 seconded by Phyllis Perry.  
All in favor, 0 opposed

The Board agreed to vote on the variance in 2 sections.

The variance requests regarding all setbacks:

- (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 variance requests regarding setbacks was made by Jay Mendels and seconded by Darren Miller.  
All in favor, 0 opposed

The variance request for the larger lot coverage (35.9%):

- (1) Whether benefit can be achieved by other means feasible to applicant; 3 voted no and 2 voted yes (Phyllis Perry and Richard McClernon)
- (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 request for the 35.9% lot coverage was made by Jay Mendels and seconded by Phyllis Perry.  
All in favor, 0 opposed

**APPLICANT: TARA ACRES PARTNERS LLC**

968 Old Liberty Road  
Monticello, NY



S/B/L: 2.-1-29

Moshe Attie, Representative

This project was held open from last month's meeting, so the legal notice was not read aloud.

Moshe Attie explained since last month's meeting additional updates were made and all comments were addressed; an update letter was supplied. Out of the original 25 variances requested 4 were eliminated (request #s 5, 15, 19, & 24) and 6 were reduced (request #s 4, 6, 14, 16, 17, & 18). Also, the sewer is now being modified and plans for that have been submitted and the driveway issue is being addressed/handled by their attorney.

Link to the 5/13/25 update letter submitted: [https://drive.google.com/open?id=1FExwkggP-cm6kfB64IzST1bI0vq\\_G3yB&usp=drive\\_fs](https://drive.google.com/open?id=1FExwkggP-cm6kfB64IzST1bI0vq_G3yB&usp=drive_fs)

The Board had the following question/comments:

- Is the sewer reviewed as part of the Planning Board process?

Moshe Attie advised that it is.

- Will it be fixed before the start of the season?

Moshe Attie advised that he is not sure of.

- The separation distance between units 21 & 22 is very close; why has that not been reduced?

Moshe Attie advised that is one of the harder non-conformities to reduce because the height of the deck. The deck is approximately 6 feet tall.

- Is the chart providing the different percentages compatible with all of the updates made?

Moshe Attie advised that it is, with the exception of unit #1.

- What's happening with the pools?

Moshe Attie advised that they will be removing one of the pools and replacing the other in a bigger footprint. The location and fenced area will remain the same, just a bigger pool size within it.

- Looks like some of the fence may be on the neighboring property; need to look into that.
- Reiterated that the variance being eliminated due to back filling, to reduce the height of deck, will need the entirety of the unit to be back filled, not just around the deck.
- It looks like the addition to unit 18/19 is only proposed at this time; that could be scaled back to reduce that request.
- Would like to see the deck removed from unit 21 to help increase the separation distance there.
- Would like to see something reduced on unit 9; request is still significant.
- Appreciates the efforts and concessions made to get to this point.
- Will need to submit an updated site plan reflecting all concessions made.

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 seconded by Phyllis Perry.

All in favor, 0 opposed

After going over each request and whether they were eliminated, reduced, or not changed, the Board agreed to vote on the variance requests in 3 sections.

- 1) Approved
- 2) No change

- 3) No change
- 4) Separation distance reduced from 19.4' to 20.9'
- 5) Eliminated
- 6) Separation distance reduced from 14.4' to 22.8'
- 7) Separation distance reduced from 12.2' to 17.6'
- 8) No change
- 9) No change
- 10) No change
- 11) No Change
- 12) Separation reduced from 9.6' to 19.4'
- 13) No change
- 14) Lot coverage reduced from 11.54% to 11.31%
- 15) Eliminated
- 16) Expansion reduced from 35.05% or 858.21 sq. ft to 24.18% or 592.73 sq. ft.
- 17) Expansion reduced from 54.95% or 947.98 sq. ft. to 27.74% or 524.75 sq. ft.
- 18) Eliminated
- 19) Denied
- 20) Eliminated
- 21) No change
- 22) No change
- 23) Denied
- 24) No change
- 25) Eliminated
- 26) No change

Variance request #12 (separation distance between units 21 & 22):

- (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 yes
- (3) Whether request is substantial; All voted yes
- (4) Whether request will have adverse physical or environmental effects; All voted yes
- (5) Whether alleged difficulty is self-created; All voted yes

A motion to approve variance request #12 for a separation distance of 19.4', instead of the requested 9.6', was made by Jay Mendels and seconded by Phyllis Perry.

All in favor, 0 opposed

Variance requests # 19 & 23 (expansion of unit 9 & expansion of unit 18/19):

- (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 yes
- (3) Whether request is substantial; All voted yes
- (4) Whether request will have adverse physical or environmental effects; All voted yes

(5) Whether alleged difficulty is self-created; All voted yes

No motion to approve.

A motion to deny variance requests # 18 & 22 was made by Phyllis Perry and seconded by Richard McClernon.

All in favor, 0 opposed

All remaining variance requests (minus the ones eliminated and including all concessions presented):

(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 yes

(5) Whether alleged difficulty is self-created; All voted yes

A motion to approve the remaining variance requests, minus the 4 that were eliminated and including the 6 concessions presented, was made by Jay Mendels and seconded by Sean Walker.

All in favor, 0 opposed

A motion to close the meeting at 9:25 p.m. was made by Jay Mendels and seconded by Phyllis Perry.

All in favor, 0 opposed

Respectfully submitted,

Laura Eppers

Secretary

Town of Thompson Zoning Board of Appeals