

ZONING BOARD OF APPEALS

TOWN OF CHESTER

1786 Kings Highway

Chester, New York 10918

April 17, 2014

Members Present: Chairman Dimitrios Lambros, Gregg Feigelson, Julie Bell, Walter Popailo, Ernie Damiani, J. David Aikmen- attorney.

Members Absent:

James Theodoreu: 33 & 47 Deer Trail: Interpretation

James Theodoreu and attorney Mr. Ostrer came before the Zoning Board of Appeals for interpretation of a previously issued 280A variance. The Planning Board requested clarification as to whether Deer Trail was actually the front street for the lot. An original subdivision map shows the subdivision. The minimum lot area was 80,000 square feet, the minimum front yard was 50 feet, and the building envelope shows that each lot is 50 feet from Deer Trail. The minimum side yard is 30 feet. The subdivision was previously approved by the planning board in 1991 and had all lots fronting on Deer Trail.

Chairman Dimitrios Lambros made a motion for the ZBA chairman draft a letter and send it to the Planning Board Acting Chairman, Barry Sloan. Ernie Damiani seconded the motion.

Carolanne Davidson & David Brush:154 Lake Region Blvd., Monroe, NY

Chairman Dimitrios Lambros made a motion to open the public hearing for Carolanne Davidson and David Brush. Ernie Damiani seconded it.

Ms. Davidson and Mr. Brush have a proposed addition at 154 Lake Region Blvd. in Monroe, NY. The homeowners provided proof of communication with the neighbors as well as the notice in the local paper. At the time there are no public objections to this proposed addition.

The board has five questions to consider for the area variance and will vote on each question.

First question—whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created? The board unanimously voted no.

Second question—Whether or not the applicant can achieve his goals via a reasonable alternate which does not involve the necessity of an area variance? The board unanimously voted no.

Third question—whether the variance is substantial? The board unanimously voted no.

Fourth question—whether the variance will have an adverse impact on physical or environmental conditions in the neighborhood or district? The board unanimously voted no.

Fifth question—whether there has been a self-created difficulty? Mr. Feigelson, Ms. Bell, Chairman Lambros, and Mr. Popailo voted no, Mr. Damiani voted yes.

Mr. Feigelson believed there was an error in the required setback for the property, he believes the correct setback is 35 feet not 40. With the difference in the setback, the magnitude of the variance is smaller—7 feet rather than 12 feet.

The board must vote again on the five questions after the changes to the required setback.

First question—whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created? The board unanimously voted no.

Second question—Whether or not the applicant can achieve his goals via a reasonable alternate which does not involve the necessity of an area variance? The board unanimously voted no.

Third question—whether the variance is substantial? The board unanimously voted no.

Fourth question—whether the variance will have an adverse impact on physical or environmental conditions in the neighborhood or district? The board unanimously voted no.

Fifth question—whether there has been a self-created difficulty? Mr. Feigelson, Ms. Bell, Chairman Lambros, and Mr. Popailo voted no, Mr. Damiani voted yes.

Chairman Lambros made a motion to close the public hearing. Mr. Damiani seconded the motion.

Chairman Lambros made a motion for Mr. Aikman to draw up a resolution on the Davidson variance. Mr. Damiani seconded the motion. The board voted unanimously yes. Motion passed. The homeowners were advised to see Betty Ann, Town Clerk to pick up the resolution.

David & Caroline Hamling: 36 Natures Trail, Chester, NY 10918: Workshop

Mrs. Hamling has begun to research when her barn was built in order to try to grandfather it in to code. She has established that the code was put into place in 1974 therefore the barn must be built before that date. Mrs. Hamling talked with the assessor, evidence was unfounded. She spoke with a historian about the house and the house was built in 1875. The barn appears on county maps from 1875. There is nothing concrete about the barn and the living quarters within the barn being built prior to 1974. An option is to subdivide the property and put the barn on one piece of property and the house on the other. There are some allowable uses and since they do not rent the barn out they are unsure if the barn is considered one of those allowable uses. Mr. Hamling stated that they are still searching for the date the barn was built. Mr. Feigelson had a concern that it could not be grandfathered in because it was continuously inhabited. The specifics about the grandfather clause will have to be clarified.

The barn is not on the assessment currently. It was on the listing when the Hamling's had bought the house. It was listed as a horse barn but the number of rooms and bathrooms would have had to of included the rooms and bathrooms in the barn. If it was a farm a caretakers quarters are allowed under the current code. Mr. Hamling will look into what constitutes a farm.

Any evidence to date the barn prior to 1974 would have to be voted on by the board. They then would have to vote on the variance. The board recommends that the Hamling's look more for evidence on the barn.

Chairman Lambros made a motion to have another workshop on May 13th, 2014 at 7:00 p.m. Mr. Damiani seconded the motion.

Walton Lake Country Club: Public Hearing

Chairman Lambros made a motion to open the Walton Lake Country Club public hearing. Mr. Popailo seconded it.

The dwellings on this property were built in 1953. In 1974 it was granted S-Corp. Some of the dwellings in this co-op have made improvements such as adding a deck, additions, sheds, etc. The board stated that the application for the variance(s) should come from the owner of the property as opposed to the occupants. The application must be consistent with who you issue the variance to, therefore one application from the property owner citing all the units. The owner can use these applications, cross out owner put the corporation down and put a cover page on it. The co-op needs to look into their contract to see who is held responsible. There needs to be one application for one property owner. The units 7, 8, 9, 11, 12, 14, 15, 16, 17, 20, 22, 24, and 28 need to be included in one application with a single cover letter from the corporation.

A neighbor—Ms. Singer-- at 38 Heaton Road expressed her concerns with the Walton Lake Country Club. Ms. Singer would like clarification of what they will be doing because they have previously taken down trees on her property without her permission. Also, a shed they have previously put up is very close to her property. The shed is located at unit 7, they are looking for a variance for 0 feet from the property line. Mrs. Singer has to speak with her husband as to whether or not they have a problem with having absolutely no setback for the shed. Mrs. Singer will be at the next meeting with her husband to discuss the issues she has further. The shed in question is plastic and can be moved easily.

Mr. Damiani has recommended to the board to go over and look at the property and the proposed variances.

Chairman Lambros made a motion to leave the public hearing open and continue it on June 19, 2014 at 7:00 p.m. Mr. Damiani seconded it.

Chairman Lambros made a motion to adjourn. Ms. Bell seconded it.

Meeting closed at 8:55 p.m.