

ZONING BOARD OF APPEALS  
TOWN OF CHESTER  
1786 Kings Hwy  
Chester, New York 10918  
January 11, 2018

**MEMBERS PRESENT:**

Vincent Finizia, Chairman  
Gregg Feigelson  
Walter Popailo  
Dan Doellinger  
Bob Favara, Alternate  
Tom Atkin, Alternate

**ALSO PRESENT:**

Robert Dickover, Attorney  
  
Alexa Burchianti, Secretary

**ABSENT:** Julie Bell

The meeting was opened at 7:00pm by the Chairman Vincent Finizia who led those present in the Pledge of Allegiance.

No minutes to adopt at this time.

**KRISTINA BARTON – INTERPRETATION & AREA VARIANCE**

Kristina Barton is before the Board for an application for an Interpretation of a psychotherapist office is considered a home occupation. Mrs. Barton stated she would like to turn her downstairs apartment into a private practice for a psychotherapist office.

Counsel Dickover stated this is a 3 part application. Interpretation to interpret the ordinance to allow a psychotherapist practice to be conducted in a home environment. That is the threshold. If the board determines that that is not allowed there is no need to address the 2 area variances. If it is determined then you move on to the other 2. The first one is that the ordinance requires that a home based occupation be located on a lot with at least 1 acre in size. Mrs. Barton's property is shy of about .2 acres. And the 2<sup>nd</sup> area variance is the ordinance requires that a home based occupation be conducted in a single family residence and this property is apparently a 2 family. Counsel asked if the 2<sup>nd</sup> family is in the apartment downstairs? Mrs. Barton replied yes. She doesn't need to do anything structural to the space. It is going to remain the way it is except that it will no longer be residential if granted. Counsel then stated that, the 2<sup>nd</sup> area variance may not be required then because that portion of the dwelling will be converted to the home business instead of a residential apartment.

Counsel asked Mrs. Barton if she had a survey of the property. Mrs. Barton stated she did not have a survey, the bank did not require one. Alexa stated she would check in the building department to see if there was one on file.

Chairman Finizia asked about parking requirements.

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Counsel Dickover stated he had a few more questions for Mrs. Barton. Q. How many employees beside yourself? A. None Q. What would the hours of operation be? A. Evening, between 5:30-9:30 Monday thru Friday. Q. Are you contemplating any signs on the outside? A. Yes. Q. There is some regulations with respect to that have you examined them? A. I have read, I can't remember exactly what it was, but there was something about size and visibility and if it changed the character of the community or the residential area. Q. What about outside lighting for visibility of during night time hours? A. I do have outside lighting right now. Q. How many clients will you have on the premises at any one time? A. No more than 2. Mr. Finizia had mentioned maybe if there is some overlap with 15 minutes waiting for one session to end and another to begin.

Mrs. Barton has a LMHC license, which is a mental health counseling license. And has a credential as an Alcohol and Substance Abuse Counselor. All from New York State.

Motion made to be Lead Agency and to type the action as a type 2 action.

Motion made for Lead Agency for SEQRA. Made by Dan. Second by Gregg. Motion carried 5-0.

This application is going to be required for a 239 action to OCDP.

Motion to grant a public hearing for February 8<sup>th</sup>, 2018. Motion made by Chairman Finizia. Second by Bob. Motion carried 5-0.

Motion made to amend, public hearing to be set for the next regularly scheduled meeting. Motion made by Bob. Second by Chairman Finizia. Motion carried 5-0

Motion to close meeting made by Tom. Second by Gregg. Motion carried 5-0.

Respectfully Submitted,

Alexa Burchianti  
Zoning Board of Appeals Secretary