**Meeting called to order**: 7:oopm

**Members present**: Chairman Finizia, Gregg Feigelson, Dan Doellinger, Walter Popailo, Julie Bell, Alternates: Bob Favara, Tom Atkin

**Members absent**: 0

**Also present**: Robert Dickover-Attorney and Alexa Burchianti-Secretary

Chairman led those present in the Pledge of Allegiance.

A motion was made to adopt the minutes from November 16, 2017 and January 11, 2018 made by Walter. Second by Bob. Motion carried 5-0.

First item on the agenda is a Public Hearing.

**Kristina Barton-Public Hearing**

Property located at 72 West Ave, Chester NY. Requesting an interpretation and an area variance. s/b/l 6-1-5 & 6 with a combined total of approximately .80 acres where 1 acre is required for “home occupation”. The interpretation request is to have the board define whether a psychotherapy office is considered a “home occupation” under the definition of the town code.

Motion to open the public hearing made by Gregg. Second by Julie. Motion carried 5-0

Let the record reflect the legal notice was published in the Times Herald Record and the certified mailings have gone out.

Alexa stated that Kristina submitted a summary that were handed out to the board members and attorney. Alexa also stated that she received the response from the OCDP.



An announcement was made if anyone from the public was here to speak for or against the application.

Catherine DeAngelis: 12 Hulse Lane stated she was in favor of the application.

Counsel Dickover stated that this is a 3 part application. The first part being that the proposed psychotherapy office is a permitted home occupation. With respect to that, the Town code speaks to some examples of a home occupations including those that might occur for a lawyer, physician, dentist, architect, engineer or accountant. The applicant has described before the board what would occur within the confines of the home. And at this point the board could call the question as to whether or not the proposed activity of a psychotherapist is substantially the same as those which are permitted and is therefore a home occupation.

Motion made to close the public hearing made by Walter. Second by Gregg. Motion carried 5-0

Motion made to deem the occupation of a psychotherapist office is substantially the same as lawyer, physician, dentist made by Julie. Second by Walter. Motion carried 5-0.

Poll vote for the Interpretation:

Gregg - Yes.

Julie - Yes.

Vinny - Yes.

Walter -Yes.

Dan - Yes.

The next requested variance which is to allow the home occupation to take place in a 2 family residence. The applicant has indicated that if the variance is granted that she will be abandoning the 2nd residential user within the home. Counsel Dickover asked the applicant Kristina Barton if in fact that was the case. Mrs. Barton responded yes. Counsel Dickover advised the board that this part of the application is not necessary, because it will no longer be a 2 family and she will not need that relief.

The 3rd part of this application was a requested area variance to allow the proposed home occupation to be allowed on a lot size less than1 acre in size, where the code requires any lot with a minimum size of at least 1 acre. The applicant has 2 continuous parcels that total .80 plus or minus.

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created.

Gregg Feigelson: No.

Julie Bell: No.

Walter Popailo: No.

Dan Doellinger: No.

Chairman Finizia: No.

1. Whether the benefits sought by the applicant can be achieved by some method feasible for the applicant to pursue other than the area variance.

Gregg Feigelson: No.

Julie Bell: No.

Walter Popailo: Yes.

Dan Doellinger: No.

Chairman Finizia: Yes.

1. Whether the requested area variance is substantial.

Gregg Feigelson: No.

Julie Bell: No.

Walter Popailo: No.

Dan Doellinger: No.

Chairman Finizia: No.

1. Whether the variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

Gregg Feigelson: No.

Julie Bell: No.

Walter Popailo: No.

Dan Doellinger: No.

Chairman Finizia: No.

1. Was the alleged difficulty self-created.

Gregg Feigelson: Yes.

Julie Bell: Yes.

Walter Popailo: Yes.

Dan Doellinger: Yes.

Chairman Finizia: Yes.

Motion made to request the acceptance of the variance. Made by Chairman Finizia. Second by Dan. No further discussion was had.

Poll Vote:

Gregg Feigelson: Yes.

Julie Bell: Yes.

Walter Popailo: Yes.

Dan Doellinger: Yes.

Chairman Finizia: Yes.

Motion GRANTED for the Interpretation and the Area Variance.

**Andre Keel-Extension Request**

Applicant has been building a bridge to be able to access his property. He has a small stream that runs through, which is not deeded so it doesn’t have any protections or restrictions, however he felt it should be preserved and so he chose to build a bridge. Andre submitted progress pictures. Alexa asked him to email them for the file. Memo from counsel was passed out to board members. Counsel reviewed applicants file.

Andre stated June of 2016 he had submitted a schedule. A timeline of progress. He stated he was optimistic at that point. He wanted to build it “storm ready”. He is here to request another extension to have the trailer on the property. He only uses it to house tools. No one is living in it.

Counsel stated that he briefly looked through the file, the first initial resolution was for an interpretation. Which originated from a building dept denial for a construction trailer on the premises. Thereafter extensions were granted for area variance. Counsel will have to review the file a little further. Based upon what counsel has briefly reviewed he doesn’t believe the board has jurisdiction to hear the matter anymore. The variance that was granted has expired, and doesn’t see any prevision in the code for the board to grant this kind of relief. Counsel stated he could be mistaken but would have to review it further to see if he can identify the questions.

Counsel stated a new application needs to be submitted. Andre will do a new application and submit it to Alexa. Alexa will call Andre to let him know what agenda he will be on.

Motion to close the meeting made by Chairman Finizia. Second by Dan. Motion carried 5-0.

Meeting adjourned.

Respectfully Submitted,

Alexa Burchianti

Zoning Board of Appeals Secretary