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PLEASE REPLY TO GOSHEN OFFICE

October 5, 2017

Vincent Finizia
Charmain
Zoning Board of Appeals
Town of Chester
1786 Kings Highway
Chester, New York 10918

VIA EMAIL
aburchianti@thetownofchester.org

Re: Darin Hecht Application

Dear Mr. Chairman and Members of the Board:

As you are aware, we represent the property owner and applicant Darin Hecht. Accompanying this letter is an amended application to the ZBA, requesting an interpretation that Mr. Hecht's use of his property is a home occupation as defined under the Town Code, and two area variances. One area variance is for the maximum number of nonresident employees allowed, and the other for the maximum ground floor area of the dwelling that may be dedicated to the home occupation. Originally, we were before the Board for an interpretation or, in the alternative, a use variance. But we have since looked at the issues surrounding this application in greater detail and have reached the conclusion that the application as it is now before the Board is the best path forward. We will be hand delivering the application fee, a hard copy the application and the survey of Mr. Hecht's property on Tuesday, October 10, 2017 following the Monday holiday.

Pursuant to § 98-2 of the Town Code, a "Home Occupation" is defined as "[a]ny gainful occupation customarily conducted within a dwelling by the residents thereof, clearly secondary to the use of the dwelling for living purposes and which does not change the character of the structure as a residence." Quite clearly Alexis M. Beauty supplies is a gainful occupation, and we would offer that internet based home businesses are now customarily conducted within a dwelling by the residents thereof. With regard to the business being operated out of the Mr. Hecht's barn, we are proposing to connect the house to the barn via a breezeway, which will render the two buildings one structure, and the business will thus be conducted within the dwelling. This use will of course remain secondary to the use of the dwelling for living purposes, and it will not change the character of the structure as a residence. It will simply be preserving how the house and barn have been used for the past 11 years.

The definition of home occupation also provides that "[s]aid activity shall not have more than one nonresident employee and shall not occupy more than ½ the ground floor area of the dwellings or its equivalent elsewhere in the dwelling if so used." Mr. Hecht employs an office worker and a shipping clerk.

Accordingly, we are applying for an area variance to permit him to continue to employ a second nonresident employee. In addition, the combined ground floor area house-barn structure will be 3,228 sq. ft. We are therefore applying for a 336 sq. ft. area variance from this definitional requirement as well (3,228 sq. ft./2 = 1,614 sq. ft., ground floor area of the barn where Mr. Hecht conducts his business = 1,950 sq. ft.).

Lastly, and as discussed in great detail during our previous appearance before the Board, the definition provides examples of what a home occupation may be, and what it shall not be construed to include. As noted, Mr. Hecht's use of his property is unlike the uses that a home occupation shall not include because his use does not generate any foot traffic. In fact, Mr. Hecht's use generates even less foot traffic than some examples of permissible home occupations. Offices of a lawyer, physician, or dentist generate more foot traffic because Mr. Hecht is a wholesale supplier, not a retail store front, and zero clientele come to his property. We look forward to our next meeting.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Alec R. Gladd".

Alec R. Gladd

ARG:vc