

**ZONING BOARD OF APPEALS
TOWN OF CHESTER**

1786 Kings Highway
Chester, New York 10918
January 14, 2021

PRESENT: Gregg FEIGELSON, Chairman
Julie BELL, Member
Dan Doellinger, Member
Walter Popailo, Member
Bob Favara, Member
Tom Atkin, Member

ALSO PRESENT: Julie Tiller, Secretary
Rob Dickover, Counsel

Chairman Feigelson called the meeting to order at 7:01 PM and opened with the Pledge of Allegiance

Chairman Feigelson: We have two items on the agenda tonight; two public hearings the first is for the **PAL application** which is a building permit denial for an application to connect a barn to a dwelling and it's basically a preexisting non-conforming lot but the main issue is the need for a variance because once the barn is connected to the house there's a little area that doesn't meet the side yard setback. I'll bring up the documents so everyone can be refreshed; the elevations were submitted to see what it will look like. What is needed here is a single variance for the side yard of 25.3 feet where 30 feet is required and I'll remind you if it wasn't for this little bit of variance the applicant would be able to connect these two. Let me also quickly review the documentation; the application is complete, EAF has been completed, the SEQRA determination is a type II so no action required, county referral was made but I don't believe we heard anything back. Julie T can you please confirm that?

Julie Tiller: We have not heard anything back from the county at all.

Chairman Feigelson: Okay so are we within the 30 days or today is day 30 if I'm correct

Julie Tiller: Yes it was sent in on December 14, 2020 right after our last meeting

Chairman Feigelson: Yes so I believe we are good since we haven't heard from them and are set to move forward; the next step would be to open the public hearing but first we need to confirm of the publication and all mailings were done in the appropriate time frame

Julie Tiller: Yes, Lois from LAN Associates took care of all the mailings and she sent me an email today stating all proof of mailings were dropped off at town hall town received by Nicole from the clerk's office.

Chairman Feigelson: I did see the publication so can confirm that's been done. Are there any questions before we move to open the public hearing?

Member ATKINS: I have a question, if you look at the picture where the corridor comes across to the house that's going to be about 14 feet of concrete showing.

Mike McGovern- LAN Eng: There's a little bit of a preexisting retaining wall there retaining some earth, I think this elevation pretty accurate because we went out and shot elevations with a transit. Maneesh, I don't the exact height of that wall so could you chime in on that?

Maneesh Pal: As far as what looks to be dirt on the image, the only thing that's showing is the small window on the first floor. I don't know the exact terminology Mr. Atkins to explain, but when we had gone over this with one of the architects from LAN the idea was it would be the footing but then it would be covered so visually it would all look like one structure but the cement itself would not be showing but I don't have an exact height for you right now.

Mike McGovern- LAN Eng: We were talking about doing some kind of stone veneer on the front to cover it. The elevation is very accurate and the dark area is actually the foundation that would be covered with the veneer or decorative stone

Member POPAILO: We don't really have any say about the look of the building do we?

Chairman Feigelson: Correct we don't have a say on the look but it's an interesting point. Any other questions or comments?

Member POPAILO: I'll make a motion to open the public hearing

Member FAVARA: I'll 2nd

Member DOELLINGER: Yes

Chairman Feigelson: Yes

Member POPAILO: Yes

Member BELL: Yes

Member FAVARA: Yes

Chairman Feigelson: Tom I didn't call on you because you're the alternate and we have a full board tonight but when Dan is presenting his case you'll be included on the voting. Alright so the public hearing is now open and if you are here to speak please unmute yourself and use the chat feature. Before we start let me ask Julie T if we have received any public comments on this by mail or email.

Julie Tiller: No, nothing was received

Chairman Feigelson: Okay thank you, so is anyone here to speak for or against this application? Please unmute yourself and just state your name if you are. It appears there is no one here so I'll make a motion to close the public hearing

Member POPAILO: I'll 2nd that

Member DOELLINGER: Yes

Member FAVARA: Yes

Member BELL: Yes

Chairman Feigelson: Yes. The public hearing is officially closed; we can move forward with the 5 factors.

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

Member DOELLINGER: No, the building already exists and I don't think it will create any kind of change

Member POPAILO: No, and I say the same reason as Dan

Chairman Feigelson: I also say no, it's very hard to see this from any angle so it will not have any impact

Member FAVARA: No, I think it's an improvement

Member BELL: No

- #2 Whether the applicant can achieve its goals by a reasonable alternative which would not involve the necessity of an area variance

Member DOELLINGER: No, same as I said the section of the building that requires a variance already exists in its present location

Member POPAILO: No, because it was existing there and we not making the decision on what the corridor looks like

Chairman Feigelson: I will concur, there's no reasonable alternative and this is the easiest way to extend the house

Member FAVARA: I say no

Member BELL: I say yes, because they can always sell the house

- #3 Whether the variance is substantial

Member DOELLINGER: No it is not, it's just a small triangle that's less than 5 feet

Member POPAILO: No

Chairman Feigelson: I also say no

Member FAVARA: No

Member BELL: No

- #4 Whether the variance will have an adverse effect on the environment or the physical conditions of the neighborhood or district

Member DOELLINGER: No for the same reason that is already exists

Member POPAILO: No

Chairman Feigelson: No

Member FAVARA: No

Member BELL: No

- #5 Whether there has been any self-created difficulty

Member DOELLINGER: Yes because he knew when he bought the property what he was getting

Member POPAILO: I say yes also because he doesn't have to do it, so it's self-created

Chairman Feigelson: I agree with that so I'll say yes

Member FAVARA: Yes

Member BELL: Yes

Chairman Feigelson: Okay so we've reviewed the 5 factors and I'll make a motion to direct counsel to make a written decision based on our findings to grant the variance to permit a side yard setback of 25.3 feet where 30 feet is required after the barn and existing dwelling are attached.

Member DOELLINGER: I'll 2nd the motion

Member POPAILO: Yes

Chairman Feigelson: Yes

Member FAVARA: Yes

Member BELL: Yes

Chairman Feigelson: So to the applicant, we just voted to have our counsel draft the decision to grant the variance and at our next meeting we will vote to adopt the decision.

Maneesh Pal: Thank you to all of you I appreciate it.

Chairman Feigelson: Next we have **DOELLINGER 20 TWIN BROOKS DRIVE** and Dan will have to recuse himself and Tom will sit in. We have a building permit denial for an in ground pool, it needs to be 15 feet from the side or rear yard and 25 feet from the septic tanks and he requesting a variance for 8 feet from side yard. The application is complete, we have the EAF, determined the SEQRA was a type II and no action necessary, county referral is not needed. We set the public hearing for tonight so if there are any items up for discussion, we welcome the board to refresh their memory.

Dan Doellinger: There is an existing above ground pool with an existing deck; both sit approximately 17 feet from the property line. We propose an in ground pool with almost the same footprint as the existing pool, however it will be a little closer to the property line in order to give us the opportunity for wider patio area between the house and the edge of the

pool. We currently have 10 feet between the house and the above ground pool and once we put a patio table and chairs it becomes small quickly so we are looking for more room between the house and the pool. The in ground pool will be about 2 to 3 feet lower than the current deck so it will be less visible from the street than the current pool; my neighbor is approximately 80 feet away from the property line so it will not be encroaching on him.

Chairman Feigelson: Will the trees shown on the side be taken down?

Dan Doellinger: Those trees are on the neighbor's property and just canopy over my property

Chairman Feigelson: Okay any questions or comments? Can we confirm the publications and mailings?

Julie Tiller: Yes, all mailing receipts were received and the publication ran last week

Member POPAILO: I'll make a motion to open the public hearing

Member FAVARA: I'll 2nd

Member ATKIN: Yes

Chairman Feigelson: Yes

Member BELL: Yes

Member POPAILO: Yes

Member FAVARA: Yes

Chairman Feigelson: Okay so the public hearing is officially open, before we open for chat can Julie T. let us know if we received any public comments via email or mail in letters

Julie Tiller: No we have not received anything

Chairman Feigelson: Thank you, so if anyone is here to speak for or against please unmute yourself and use the chat feature, it does not appear that anyone is here to speak so I'll make a motion to close the public hearing

Member FAVARA: I'll 2nd

Member POPAILO: Yes

Member BELL: Yes

Member ATKIN: Yes

Chairman Feigelson: And I say yes, so we can now move to the 5 factors

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

Member POPAILO: No, I believe it will make it better

Chairman Feigelson: I say no

Member FAVARA: No, it will raise the property value

Member ATKIN: No

Member BELL: No

- #2 Whether the applicant can achieve its goals by a reasonable alternative which would not involve the necessity of an area variance

Member POPAILO: Yes

Chairman Feigelson: Yes

Member FAVARA: Yes

Member ATKIN: Yes

Member BELL: Yes

- #3 Whether the variance is substantial

Member POPAILO: No

Chairman Feigelson: Yes

Member FAVARA: Yes

Member ATKIN: No

Member BELL: Yes

- #4 Whether the variance will have an adverse effect on the environment or the physical conditions of the neighborhood or district

Member POPAILO: No

Chairman Feigelson: No

Member FAVARA: No

Member ATKIN: No

Member BELL: No

- #5 Whether there has been any self-created difficulty

Member POPAILO: Yes

Chairman Feigelson: Yes

Member FAVARA: Yes

Member ATKIN: Yes

Member BELL: Yes

Chairman Feigelson: That concludes the 5 factors; as we did in the last case I will make a motion to direct counsel to draft a written decision based on our findings per our discussion tonight to grant the variance to permit a pool to be 8 feet from the side yard where 15 feet is required. Can I get a 2nd?

Member POPAILO: I'll 2nd

Chairman Feigelson: Yes

Member FAVARA: Yes

Member ATKIN: Yes

Member BELL: Yes

Chairman Feigelson: Okay so counsel is so directed, are there any other topics for discussion?

Member POPAILO: I'll make a motion to close the meeting

Chairman Feigelson: I'll 2nd

All in Favor: Yes

Chairman Feigelson: Next meeting will be February 11th, good night everyone and thank you.

Meeting adjourned at 7:36 pm

Respectfully submitted,

Julie Tiller
Zoning Board of Appeals Secretary