

# ZONING BOARD OF APPEALS TOWN OF CHESTER

1786 Kings Highway  
Chester, New York 10918  
December 10, 2020

**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 7:08 PM and opened with the Pledge of Allegiance**

Chairman Feigelson makes a motion to adopt the November 12<sup>th</sup> meeting minutes  
Member POPAILO: 2<sup>nd</sup> the motion  
Member BELL: Yes  
Member ATKIN: Yes  
Member DOELLINGER: Yes  
Member FAVARA: Yes

## **November 12<sup>th</sup> meeting minutes adopted**

**Chairman Feigelson:** First up we have the **PAL application**; those of you who were not at last month's meeting remember the previous PAL application for use variance to convert the barn into a second dwelling and it was denied. So the new application is to connect the barn to the house and create a single dwelling, they are before us because the building inspector has denied their building permit. According to code we note that area variance is required under 98:8 B3 that basically says this non-conforming AR3 lot is going to be adding a new non-conformity as a result of the combination of these two buildings. The application is complete; the environmental assessment form is complete, the SEQRA determination is clearly a type II action so no further action is required from this board. I have notes that we didn't establish if a county referral was required but I remember from the original application it was required so we'll need to get that 239 referral in. So they are now proposing to make a single dwelling by connecting the barn to the existing house, the lot itself is a non-conforming lot in the AR3 district and is 2.13 acres. There's a pre-existing non-conforming set back from the road, the house is 28.7 feet from the road where 50 feet is required and since this is pre-existing non-conforming this board does not need to do anything about that. In connecting the barn to the house, the barn now becomes a new side yard parameter; it's 25.3 feet from the border where 30 feet is required so the applicant is looking for a variance on that side yard.

**Mike McGovern-LAN Eng:** Back on November 12<sup>th</sup> we presented the plan showing elevations and a link of 67 feet and at that time the board members were curious as to what

that might look like so we provided a rendering on drawing A300. That drawing shows two options of what this link might look like.

**Chairman Feigelson:** I'm going to bring up Google Earth to show an aerial view, the side yard is the non-conforming area showing the shortage and then here is the plan that was submitted so Mike please give us a little explanation.

**Mike McGovern- LAN Eng:** It's pretty self-explanatory, the two story residence is on the right, the reconfigured barn is on the left and the link connector is in between the two. What we are proposing to do is carry new finishes to the barn of board and batten across the link connector and to the house. Inside the link there is an elevation change from the ground floor of the barn to the second story of the house so we would have some stairs to overcome that difference. Proposing to put some windows in, the same asphalt shingles pitched roof and maybe some stone veneer finish on the foundation of the existing barn and that's pretty much it.

**Chairman Feigelson:** I strongly recommend the board members drive by the house because when I actually went there and looked at it, it didn't look that large. Which of these configurations are you leaning towards?

**Mike McGovern- LAN Eng:** We were just trying to give the board an idea of what it would look like with two possible scenarios.

**Maneesh Pal:** At this time we haven't decided and just trying to get the approval from the board before we make any decisions.

**Mike McGovern- LAN Eng:** I'd like to point out that none of this construction goes beyond any of the existing setbacks, we are not encroaching any closer to Davis Hill Rd in front or any of the buildings on the left.

**Member BELL:** How wide is this corridor going to be?

**Mike McGovern- LAN Eng:** Will be 5 or 6 feet wide, we are keeping the width down to keep costs under control. Another reason for keeping it narrow is because there are some other systems in the back like septic system so we don't want to encroach on any of that

**Maneesh Pal:** This is for me and my family and also my extended family to stay together. And as they age I can remain here to help them

**Member POPAILO:** How much square feet will be added to the house? Looks like about 330 SF for the corridor and approximately 900 SF so that's an additional 1,300 SF being added to the house

**Mike McGovern- LAN Eng:** It will be 1,800 SF for the barn and 335 SF for the corridor

**Member POPAILO:** So that's going to be a big house

**Mike McGovern- LAN Eng:** The 1<sup>st</sup> floor will be living room, kitchenette, meditation room, a toilet room and a mud room for the entry. The 2<sup>nd</sup> floor will be master bedroom with master bath, 2 walk in closets, a mechanical room and there would be a balcony off the back.

**Chairman Feigelson:** I strongly recommend visiting the property because I know a 67 foot corridor seems very large but in reality it's not. It's really not visible at all from Laroe Rd and there's no one around to see it so there's no impact on the neighborhood. They should be able to connect this without a variance had it not been for the small side yard setback.

**Maneesh Pal:** We want this to look nice & upgrade the house to match so it's aesthetically pleasing

**Mike McGovern- LAN Eng:** When you are actually on the site it really doesn't look that big and will look more like it belongs. We will work with the board to make it pleasing and match the house.

**Member DOELLINGER:** Will that be a full foundation under the corridor?

**Mike McGovern- LAN Eng:** Will be stone & foundation that is full so you won't be able to see through it and we can put a stone veneer on the front to dress it up

**Member ATKINS:** The taxes are probably going to double

**Maneesh Pal:** We really care about the Town of Chester and want to give as much as possible

**Chairman Feigelson:** The next meeting is January 14<sup>th</sup> so applicants do you want to move ahead with scheduling the public hearing?

**Mike McGovern- LAN Eng:** Sure

**Chairman Feigelson:** Okay so I'll a motion to schedule the public hearing for the PAL application on January 14th or the next adjourned date thereafter

**Member FAVARA:** I'll 2<sup>nd</sup>

**Member DOELLINGER:** Yes

**Member POPAILO:** Yes

**Member BELL:** Yes

**Member ATKINS:** Yes

**Chairman Feigelson:** Okay so public hearing has been scheduled. Reach out to Julie T and she will get you everything you need.

Next we have the Dan **Doellinger application** which was prompted by a building permit denial.

So Dan is recused from this point on; Dan wants to put an in ground pool in the side yard at 20 Twin Brooks Drive this is in the AR3 district and I believe it's a non-conforming lot. I'll put up all the documents you provided and then turn it over to you Dan.

**Dan Doellinger:** The sketch that I drew up is the proposed location of the pool, there is an existing pool now and that pool is about 17 feet from the property line which is within the required 15 foot setback for the pool however I did get a variance back in 2006 for the deck so I could bring it around to the edge of the pool and it was a 3 foot variance at that time. I will be removing the existing deck and pool, so what we found with this existing deck is the 10 feet between the house and the pool that exists now is not enough space to set up a table and some chairs it's a tight squeeze. The desire would be to put the in ground pool further away from the house to be able to have a patio area between the house and pool. There's no other area on my lot to put the pool because of the septic tank and leech field and there's no location in the back yard that I can put it. On the other side of the house is no good either due to an approximate 45 degree slope. I expect that you won't even see the pool from the road at all, #18 is my neighbor that borders the side yard where I need the setback variance and they also have a pool and a deck and I estimate it's at least 75 feet from the side yard and the pool is about 60 feet from the side yard. I'm looking for a 7 foot variance for the side yard, there's currently an existing chain link fence that sits about 1 foot from the property line.

**Member FAVARA:** What's the patio from the house to the edge of the in ground pool?

**Dan Doellinger:** It will be about 16 feet

**Chairman Feigelson:** The variance would be for 8 feet where 15 feet is required under 98C for pools. Any more questions from the board? Do we want to move to public hearing?

**Dan Doellinger:** Yes I would

**Member POPAILO:** I'll make a motion to schedule public hearing

**Chairman Feigelson:** I'll 2<sup>nd</sup>

**Member FAVARA:** Yes

**Member BELL:** Yes

**Member ATKINS:** Yes

**Member POPAILO:** Yes

**Chairman Feigelson:** Okay so the public hearing is scheduled, you know the drill and you don't need a 239 referral. Any last thoughts?

**Counsel DICKOVER:** Mr. Chairman, Let the record reflect this is an area variance for a 1 family house therefore it's a Type II action and no further action is required.

**Chairman Feigelson:** Thank you counsel. So last order of business, at the last meeting we voted not to grant the variance for the Flower-Sandstrom application, a deck was built without a permit that created a side yard setback of 9 feet 3 inches where 30 feet is required. At that meeting Tom, Julie B and I voted not to grant the variance but we need a follow up vote to actually deny granting it. Dan has recused himself, Walt & Bob were not at the meetings where we reviewed the five factors, we are just going to re vote with Tom, Julie B and I to affirmatively vote to deny the variance. We are going to be using a slightly different wording of the motion. I'll make a motion to actually deny granting the variance on the Flower Sandstrom application of a side yard variance of 9 feet 3 inches where 30 feet is required.

**Member BELL:** I'll 2<sup>nd</sup>

**Chairman Feigelson:** Okay so we'll now do the roll call for yes to deny the variance

**Member ATKINS:** Yes to deny

**Member BELL:** Yes to deny

**Chairman Feigelson:** Yes to deny

**Counsel DICKOVER:** I submitted a written decision for Chairman signature and will be filed with the clerk.

**Chairman Feigelson:** If no further business then I'll motion to adjourn the meeting

**All in favor:** Yes

**Meeting adjourned at 7:55 pm**

Respectfully submitted,

Julie Tiller  
Zoning Board of Appeals Secretary