

ZONING BOARD OF APPEALS

TOWN OF CHESTER

1786 Kings Highway

Chester, New York 10918

March 24, 2015

Members present: Dimitrios Lambros, Chairman, Julie Bell, Gregg Feigelson, Vincent Finizia, Konrad Mayer, Walter Popailo and David Aikman, Attorney.

The next ZBA meeting will be held on April 16, 2015 at 7:00 pm.

Chairman Lambros led those present in the Pledge of Allegiance.

Chairman Lambros made a motion to start the meeting which was seconded by Konrad Mayer at approximately 7:05 pm.

SHANE FERRARO 219 BULL MILL ROAD –WORK SESSION

This application has been referred by the Code Enforcement Officer. The owners, Shane and Nicole Ferraro are before the board to get a six-foot side yard area variance. They are requesting a reduction in side yard setback from 30 feet to 24 feet. Project will still be over the total side yard setback of 60 feet. The applicant is requesting to add two additional bedrooms. The project is restricted in the rear of the property because of existing septic and a swimming pool. The property is located at 219 Bull Mill Road. The property is in the AR.3 zone and 1.00 acres. The subject property is within 500 feet of a State park.

The first presenter was Tim Ryan, Architect. Mr. Ryan stated the applicants currently have two children in a two-bedroom house. Mr. Finizia stated that the septic was not shown on the plans provided to the Board. He also asked if the septic would remain in the same place. Mr. Ryan affirmed.

Tim Ryan stated it would be a crawl-space construction, wood frame. It was asked what is behind the parcel. Mr. Ryan answered vacant land. The applicant, Shane Ferraro, stated that behind him there is a property and up a hill there is property that connects to Palisades Park, which is State-owned land.

Chairman Lambros stated that according to the Municipal Guide Municipal Law §239 which requires planning, zoning and subdivision referrals, it has to go out to referral to the County Planning Department if the project is within 500 feet of a County or State park or recreation area. Chairman Lambros stated the Board would refer the project to Orange County Department of Planning.

Chairman Lambros polled the Board as to whether anyone had a problem with what the applicants were trying to accomplish with the variance. He stated because of the laws in place, the Board was obligated to refer the applicants to County Planning. Chairman

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Lambros stated that as soon as the Board hears back from County Planning, another meeting to come back before the Board will be set up, hopefully next month.

A motion was made by Chairman Lambros and seconded by Konrad Mayer to close this agenda item.

ANDRE KEEL 2 WELL SWEEP LANE – WORK SESSION

This application was referred to the Board by the Code Enforcement Officer. The owner, Andre Keel, is before the Board requesting to use/place a temporary construction trailer on the lot located at 24 Well Sweep Lane while building a bridge to the lot and then building a primary residence. The property is in zoning district AR.1 and the lot size is 2.00 acres.

Chairman Lambros stated Mr. Keel needed an interpretation because there is no language in the Town Law for a trailer. Julie Bell asked for how long and Chairman Lambros stated this is exactly why Mr. Keel is in front of the board. Chairman Lambros stated he understood the need for a construction trailer on the property.

The applicant stated that he has a permit currently for a bridge to be built over a seasonal stream on the property which is Phase I of the project. Gregg Feigelson asked where the trailer would be placed. The applicant stated in the area called Park on the diagram submitted. In answer to the length of time the trailer would be placed, Mr. Keel stated until the bridge is completed in which he hopes will be within three months' time, perhaps four or five at the most. He also stated the trailer placement is just until the bridge is complete, at which time he can move it to the other side of the property off of the street.

Julie Bell asked the size of the construction trailer. The applicant answered approximately 8 feet wide by 40 feet long and that it is a new trailer that is not ugly. He stated that he currently lives in Woodstock and the commute to the property is difficult to put in as much time as needed to complete the bridge quickly. The trailer would serve as a staging post.

Board Attorney David Aikman asked the applicant if he was looking for an interpretation for the trailer for both the bridge-building phase and the house-building phase or just the bridge. Mr. Aikman asked if the applicant was looking to move the trailer from spot to spot and the length of time that would take, which is of concern to the Board. The applicant stated his intention is to ask for the interpretation right now for the bridge construction phase of the project and then to come back again for the house construction phase for another interpretation. Mr. Keel assured the Board he has

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no intention of living in the construction trailer. He did say that if he worked late, he would stay overnight in the trailer.

The Board suggested restricting the interpretation by a time limit of five (5) months commencing April 15th, 2015. The Board also recommended that the applicant self-monitor how many nights he stays overnight, not to exceed three in one week. The Board agreed that the surrounding neighbors would essentially police the applicant's compliance.

Let the record reflect that Attorney David Aikman proposed a resolution granting an interpretation of Section 98-11 of the Zoning Ordinance of the applicant's property to locate a temporary construction trailer on a vacant residential lot while construction of a bridge is completed, upon the condition that permission is granted for a term of no longer than five (5) months, commencing April 15, 2015. The motion was seconded by Vincent Finizia. The motion unanimously passed.

Chairman Lambros made a motion to adjourn the meeting, seconded by Konrad Mayer at 7:55 pm.

Respectfully submitted,

Tanya McPhee
ZBA Secretary