

ZONING BOARD OF APPEALS  
TOWN OF CHESTER  
1786 Kings Hwy  
Chester, New York 10918  
April 14, 2022

**Meeting called to order:** 7:05PM

**Members present:** Gregg FEIGELSON, Chairman  
Julie BELL, Member  
Tom ATKIN, Member

**Members absent:** Walter POPPAILO, Member  
Giuseppe CASSARA, Alternate Member

**Also present:** Rob DICKOVER, Counsel  
Melissa FOOTE, Secretary

**March 10, 2022 meeting minutes adopted**

**Chairman FEIGELSON:** We have a fairly short agenda. two items on the agenda are the decision for 193 BMD & Joe Crispino.

**193 BMD LLC**

**Chairman FEIGELSON:** Everybody was sent the draft. Let's vote to adopt that decision and we'll close out that application. I'll make a motion that we adopt that decision for the 193 BMD application.

**Member ATKIN:** I'll Second

**Member BELL:** Yes

**Member ATKINS:** Yes

**Chairman FEIGELSON:** Yes

**Chairman FEIGELSON:** The decision is adopted, and I'll sign it after the meeting, and then you can reach out to Stephanie or whoever it represented.

**JOE CRISPINO, 3 LAURA DRIVE**

Okay, that brings us to the second item on the agenda. Are you Mr. Crispino? Everybody on the board, was distributed all of the information that you submitted. Thank you very much for the application and all the details you provided. What we typically do is give you a chance to tell the board, what you're looking to do and what you're looking for from this board. That will start a conversation. The board can ask you questions about the project.

**JOE CRISPINO:** This is for a front covered porch on the front of my house from end to end of the main dwelling. It's going to be roughly a 48 and change by 8ft protruding off the front face of the house. Current setback right now is 38.3 from the front of the house to the property line. For the zone, it's a 35 ft setback. I believe I put for an 8ft variance into the 35ft setback.

**Chairman FEIGELSON:** I did want to ask about so right now, I've got three numbers for your setback. The building inspector says 38.7. I think the application says 38.4, and you're saying 38.3 It doesn't really matter. As a word of caution. Since we don't have a detailed drawing of the project, it's the burden is a little bit on you to make sure you get you're sure the variances that we're going to consider. We'll work it all out. It's just math. Tom, I think you had a question.

**Member ATKIN:** I went there today. That's the first time I ever went in there. I think it will look good there.

**Chairman FEIGELSON:** It sounds like I'm not hearing any particular objections, of course, we have to get the public input at the public hearing I guess the question is now about dimensions. Counsel prepared a very nice summary analysis. I think the conclusion is that it looks like we're looking at two different variances, one having to do with the floor and one having to do with the overhang.

**Member ATKIN:** I don't know if that matters.

**Counsel DICKOVER:** The setback from your code is to the roofline. That's where the variance comes in. You get a 10% addition or bonus. So my memo goes through it pretty carefully, it appears to me that the variance being requested is a 3.1 foot variance to the 35 foot set back, so it's driven by the by the roofline.

**Member BELL:** So that's what he would need is 3.1 foot variance?

**Counsel DICKOVER:** Yes, a 3.1 foot variance and when you do it by percentage it ends up being an 9.84%, variance; mathematically?

**Member BELL:** How far away from the from the road are you?

**JOE CRISPINO:** The actual road, it's 48.3ft, but the property lines actually is 10 feet to be right.

**Member ATKIN:** Is there a sewer line there? it is? It's a municipal basin. That's probably where the septic sewer line is. Because when you go down to Kings Highway, all that septic goes straight across. You have a lot of room at the front with that 10 feet.

**JOE CRISPINO:** It's 10 feet in addition to the 38.3. point to the actual curb.

**Counsel DICKOVER:** Is it curbed or is it paved?

**JOE CRISPINO:** Curbed.

**Chairman FEIGELSON:** It's a 3.1 variance overall, driven by the roofline, right. Any other questions?

**Member BELL:** I think we have to put it that it can never be enclosed.

**Chairman FEIGELSON:** Do you mean in terms of conditioning?

**Member BELL:** Yes.

**Chairman FEIGELSON:** You didn't intend to enclose it any point, that definitely could change the character of it?

**JOE CRISPINO** No.

**Member BELL:** The next person may want to, but if we have it in there, they can never do it.

**Chairman FEIGELSON:** Okay, no other questions. I guess there was still a question about the actual number of the setback of 38.3 versus the 38.4 versus 38.7. I guess we would want the closest point.

**JOE CRISPINO:** Whatever number I put on the application I wanted to account for the overhang of the roof soffit.

**Counsel DICKOVER:** I think your application if I read it correctly said that the porch, the floor was going to be 8ft, right, and the roofline would be 2ft extended over that, so I was using 10 feet for the roof.

**JOE CRISPINO:** I spoke to the building inspector she said more is less so I was just going above and beyond what most likely it will be. I don't know what the engineers going to come up with for the size of the soffit, but I used 2ft as an overestimation of how close it would be to the road.

**Counsel DICKOVER:** In your estimation, we'll actually be further away from the boundary line than that. So, you can give him a variance, that's pursuant to my calculations, and he can build out to that point, so he would be alright.

**Chairman FEIGELSON:** We'll make a motion to schedule a public hearing for the crispy no application for May 12. I'll make a motion to schedule that.

**Member ATKIN:** I'll Second.

**Member BELL:** Yes

**Member ATKIN:** Yes

**Chairman FEIGELSON:** Yes

**Counsel DICKOVER:** You should make a motion to declare yourself lead agency, Type II.

**Chairman FEIGELSON:** We need to make a motion to declare lead agency and then make a determination. We'll make a motion to declare ourselves lead agency for the SEQRA determination. I'll make that motion.

**Member ATKIN:** I'll Second.

**Member Bell:** Yes

**Member ATKIN:** Yes

**Chairman FEIGELSON:** Yes

**Chairman FEIGELSON:** We are the lead agency, so then we can easily identify this as SEQRA Type II Action because it has to do with an area variance for a one, two or three family residence. Any last questions before we close the meeting? Alright then I'll make a motion to adjourn

**Member BELL:** I'll Second

**Member ATKIN:** Yes

**Member BELL:** Yes

**Chairman FEIGELSON:** Yes

Meeting adjourned at 7:15 pm

Respectfully submitted,

Melissa Foote

Zoning Board of Appeals Secretary