

**ZONING BOARD OF APPEALS
TOWN OF CHESTER**

1786 Kings Highway
Chester, New York 10918
June 11, 2020

PRESENT: Gregg FEIGELSON, Chairman
Tom ATKIN, Member
Dan DOELLINGER, Member
Walter POPAILO, Member
Julie BELL, Member
Bob FAVARA, Member

ALSO PRESENT: Robert DICKOVER Esq., Dickover, Donnelly, Donovan & Biaggi LLP
Julie TILLER, Secretary
Alexa BURCHIANTI, Building Inspector

Chairman Feigelson called the meeting called to order at 7:00 PM with the Pledge of Allegiance

Chairman Feigelson states the March meeting minutes need to be adopted

MOTION was made by Member Popailo, second by Member BELL to **ADOPT THE MINUTES OF MARCH 12, 2020 AS DRAFTED**

Motion passed 6-0

Chairman Feigelson: We had two items on the agenda for this meeting but at the very last minute the PAL public hearing will not be able to go forward because they were not able to publish the announcement as necessary in the paper. David Niemotko who is representing PAL in this case did express an interest in having us schedule a public hearing for the next ZBA meeting, so I need someone to make a motion to schedule a public hearing at the next meeting of the ZBA which is presently scheduled for July 9th at 7:00 pm

Member POPAILO: Motion made to schedule public hearing

Member FAVARA: 2nd the motion, **Member BELL:** Yes, **Member Doellinger:** Yes

Member ATKIN: Yes, **Member POPAILO:** Yes, **Member FAVARA:** Yes

Motion passed 6-0

Counsel DICKOVER: Currently the executive order for video conference meetings has been extended to July 6, 2020, next meeting of this board I believe would be July 9, 2020 and depending on the timing of the governor's next executive order addressing video conference meetings there may or not be time to prepare an appropriate legal notice for publication. It also raises the mailings that the applicant sends to the neighbors, the mailing presumably will inform the neighbors that the meeting will be by video conference however if the governor does not extend the executive order past July 9, 2020 we may find that we are having the next

meeting in person. My suggestion is that for purposes of the record of this meeting, those members of the public have to be informed the meeting may be in person or it may be by video conference and we suggest they view the town website to determine which way the meeting will be held and if they have any questions they can contact the building department.

Chairman Feigelson: Right, so the public notice will reflect that in the mailings and so we'll look for the governor's rendering on that point

Okay so ahead of schedule, we can move on to the application review for Mai Randall

Mai Randall: Hello, I unmuted myself

Chairman Feigelson: Hello Mai, welcome to the ZBA meeting. Can you please explain to this board what you want to do and what you're looking for from this board? We have all the materials submitted and I will pull up the documents and images that would be useful as you describe it.

Mai Randall: We are looking to add a 3 garage to our property, there were two choices we could have done. We could have tried to put the garage next to the existing structure but the problem is the back of our house slopes down quite a bit so we would have to do a lot of back filling in order to build a garage next to the existing structure of our house. We have a neighbor down below and he put in a 3 garage on his property and he requested a variance to put it in front of his existing structure/ house and we felt because of the significant increase in the cost to put the structure attached to our house because we might run into issues with the edge of the property, we decided to request a variance to be able to put the 3 garage in front of the house. We felt from a cost prospective it would be less to do it this way and also for visual appearance of the property we felt it would look better if the garage was right angled to the house. So what we are requesting is a variance because typically I guess you shouldn't build any structures in front of your house and we are requesting that variance to be able to put the garage in front of our house on our property.

Chairman Feigelson: This is a 2 acre lot in an AR3 zone so this is all a preexisting non-conforming property and as you pointed out accessory buildings such as garages in the front yard is not permitted without a variance. I'm assuming this is the only issue from the building inspector and all other aspects of this building were acceptable

Building Inspector ALEXA: Yes, everything else was fine except for it being in the front yard

Chairman Feigelson: I have another image and I've super imposed the Google map aerial view with the site plan. Can all members see it? And does any member have any questions?

Member BELL: What will it look like?

Member POPAILO: Will it look like it's part of the house?

Mai Randall: Actually it is, the style of the garage is very similar to our house and we are going to be re siding our house at some point so we would also put a permanent siding on the garage as well so it all matches. Roof color will all be the same as existing house. Gray's Woodworking is doing the work and they drew up some nice plans and there is a rendering as what the garage will look like and that was part of the application.

Chairman Feigelson: Okay, are there any other questions from the board?

Member POPAILO: Is that right on the corner?

Mai Randall: The existing driveway goes all the way up to the road and so we would probably just end up getting a nice new driveway coming into the new garage.

Member FAVARA: I have a question, the property next door to you to the right. How far down that driveway is the existing structure of the neighbor?

Mai Randall: Not 100% sure, the neighbor to the right is a fair distance away and it's out of view of this image. It's a fair amount of distance.

Chairman Feigelson: Pulling up Google maps to see satellite view

Mai Randall: The house behind us has R.O.W but our property is 2 acres and the adjacent house is a fair distance away. They've got a detached garage and their house is right by the pool so our closest neighbor happens to be the people on our left.

Member FAVARA: Okay I see it, thank you

Chairman Feigelson: The question that comes to mind is, what about the other positions?

Mai Randall: We did think about putting it next to the house but the backyard slopes quite a bit so we have to put in a lot of back fill to support the foundation in this location and the other thing is we would have liked to put it next to the house because we are planning on getting solar panels and could put them on the garage too if it was right next to the house but if you place the garage there it ends up looking like half of our structure is taken up by garage and thought it would look a little strange. And thought it would look nicer in the front so it doesn't make the house look unusual.

Chairman Feigelson: So even in the back, it slopes down a bit

Mai Randall: Showing view of backyard from outside her kitchen and you can see it does slope down quite a bit.

Member DOELLINGER: I like the garage and I think it suits the area and existing structures there

Mai Randall: Yes we want it to look like the house

Chairman Feigelson: Can we articulate clearly why we would give a variance to this property as opposed to other properties? Would we rely on the physical attributes of the terrain?

Counsel DICKOVER: Perhaps the board might want to wait to hear from the public before you address the 5 factors and those things that might change your decision on this matter. You don't want to pre judge it before hearing from the public.

Chairman Feigelson: That's fair, thank you. So our next step Mai, would be to move ahead and schedule a public hearing as counsel advised and we can make a motion to go forward. There are a number of things you need to do in setting up for that public hearing and Julie T. will provide you with that information. Would you be interested in moving forward?

Mai Randall: Yes please

Chairman Feigelson: We need a motion for public hearing for July 9th meeting and we will apply the same principle as to how the meeting will take place.

Member POPAILO: Makes a motion for public hearing

Member BELL: I'll 2nd

Chairman Feigelson: Will do a role call; **Member BELL:** Yes, **Member DOELLINGER:** Yes, **Member FAVARA:** Yes, **Member POPAILO:** Yes, **Member ATKINS:** Yes

Motion passed 6-0

Counsel DICKOVER: For the records, it needs to be noted this is a type 2 action for SEQRA purposes if the board were to declare itself lead agency this evening and tape it accordingly. My motion would be for environmental review; this is a type 2 action because it's an application for an area variance which is equivocal to a 1 or 2 family residential dwelling so that is what would be appropriate at this time.

Chairman Feigelson: Should we make a motion?

Member DOELLINGER: I'll make a motion to declare us lead agency in type 2 SEQRA action

Member FAVARA: I'll 2nd

Chairman Feigelson: Okay, roll call; **Member BELL:** Yes, **Member DOELLINGER:** Yes, **Member FAVARA:** Yes, **Member POPAILO:** Yes, **Member ATKINS:** Yes,
Chairman Feigelson: Yes. Okay, It's been declared a type 2 action
Counsel DICKOVER: Also including the 2nd piece of this, noting for the record this project is not one that needs to be referred to the county planning department
Chairman Feigelson: Okay, I think that's everything for this evening. Does anyone else have anything they want to bring up?
Member BELL: So we are having 2 public hearings next meeting?
Chairman Feigelson: In theory, yes. If nothing else then need a motion to adjourn the meeting
Member FAVARA: Motion to adjourn
Member POPAILO: 2nd
Member DOELLINGER: Yes
Member BELL: Yes
Member ATKINS: Yes

Meeting adjourned at 7:28 pm