

ZONING BOARD OF APPEALS  
TOWN OF CHESTER  
1786 Kings Hwy  
Chester, New York 10918  
July 16, 2015

Members present: Dimitrios Lambros, Chairman, Julie Bell, Konrad Mayer, Vincent Finizia, and Walter Popailo.

Also present: David Gove, Attorney and Tanya McPhee, Secretary.

Chairman Lambros led those present in the Pledge of Allegiance.

The next meeting of the Zoning Board of Appeals is 7 pm on August 20, 2015.

Motion to open the meeting made by Chairman Lambros, seconded by Konrad Mayer.  
Motion carried 5-0.

**PUBLIC HEARING - BAKSH 63 WILSON ROAD, MONROE**

First item on the agenda is a public hearing for an area variance for a pre-existing shed. Appearing before the Board was applicant Saheed Baksh.

Motion to open the public hearing made by Chairman Lambros, seconded by Vincent Finizia.

Let the record reflect that the proper mailings went out and a notice was placed in the Times Herald Record announcing the public hearing.

The following letter of support for the Baksh shed was read into the record by Chairman Lambros:

ZONING BOARD OF APPEALS  
TOWN OF CHESTER  
1786 Kings Hwy  
Chester, New York 10918  
July 16, 2015

Zoning Board of Appeals  
Town of Chester  
County of Orange  
1786 Kings Highway  
Chester, N.Y. 10918

July 1, 2015

Peter Nicolas  
55 Wilson Road  
Monroe, N.Y. 10950

To whom it may concern,

I am writing this letter in regards to the variance requested for an existing shed, located at Section 28 Block 3 Lot 7 in Lakehill Farms. The owner of said shed "Bibikorsha Baksh" resides at 63 Wilson Road Monroe, N.Y. 10950. She is in the process of selling her home and has requested a variance for her shed. I regret that I will not be able to attend the hearing on July 16 , so I am forwarding this letter.

My wife Mary and I have been living here for nineteen years, and the shed in question has always been there. I am sure that it served the owners well, and that it will be very useful to whom ever the new owners will be. It is a very nice looking shed , and has been well maintained by the owners. I hope that you will grant the variance so that the new owners may enjoy it as well.

Sincerely yours,

Peter and Mary Nicolas

Handwritten signature of Peter and Mary Nicolas in cursive script.

ZONING BOARD OF APPEALS  
TOWN OF CHESTER  
1786 Kings Hwy  
Chester, New York 10918  
July 16, 2015

Chairman Lambros asked the audience if there was anyone present who would like to speak for or against the granting of the area variance. No one came forward.

Chairman Lambros made a motion to close the public hearing, seconded by Vincent Finizia.

Chairman Lambros polled the board on five questions from the New York State Planning Federation.

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby communities will be created.

Vincent Finizia: No.

Julie Bell: No.

Chairman Lambros: No.

Walter Popailo: No.

Konrad Mayer: No.

2. Whether an applicant can achieve his goals via a reasonable alternative which does not involve the necessity of an area variance.

Vincent Finizia: No.

Julie Bell: No.

Chairman Lambros: No.

Walter Popailo: No.

Konrad Mayer: Yes.

3. Whether the variance is substantial.

Vincent Finizia: No.

Julie Bell: No.

Chairman Lambros: No.

Walter Popailo: No.

Konrad Mayer: No.

4. Whether the variance will have an adverse impact on physical or environmental conditions in the neighborhood or district.

Vincent Finizia: No.

Julie Bell: No.

ZONING BOARD OF APPEALS  
TOWN OF CHESTER  
1786 Kings Hwy  
Chester, New York 10918  
July 16, 2015

Chairman Lambros: No.  
Walter Popailo: No.  
Konrad Mayer: No.

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

Vincent Finizia: Yes.  
Julie Bell: No.  
Chairman Lambros: Yes.  
Walter Popailo: No.  
Konrad Mayer: No.

The application is seeking an area variance of Section 98-11(A)(2) of the Zoning Ordinance of the Town of Chester, as it pertains to the applicants' property located at 63 Wilson Road, Town of Chester, New York, also known as Section 28, Block 3, Lot 7 on the Tax Map of the Town of Chester, New York, seeking an area variance to maintain an existing shed located on the property, where Section 98-11(A)(2) requires a setback of at least ten (10) feet and the existing shed is set back eight (8) feet.

Chairman Lambros called the matter to a vote to grant the variance with the condition that if the existing shed is altered, replaced or destroyed, any new accessory building must comply with the zoning regulations will all present voting to grant the variance 5-0.

The next applicant on the agenda was not present so the Board moved to the third item on the agenda.

**WORK SESSION – MARK LANE 1136 KINGS HWY**

Appearing before the Board for an interpretation for a veterinary clinic was Dr. Mark Lane. He wishes to open a veterinary clinic in office space located at 1136 Kings Hwy. The Board reviewed the application. Attorney Gove stated that the issue presented is that the schedules relative to the IP zone don't speak specifically to a veterinary clinic. They speak only of professional use. So the Board is asked to interpret whether a veterinary clinic would qualify as a professional use.

The application has to go to Orange County Department of Planning for mandatory review pursuant to General Municipal Law §239 because the project is located on a County road.

ZONING BOARD OF APPEALS  
TOWN OF CHESTER  
1786 Kings Hwy  
Chester, New York 10918  
July 16, 2015

Chairman Lambros polled the Board for questions and comments. Vincent Finizia stated he knows the area and place and thinks that the project would be perfect for the site. He inquired to what other veterinary clinics are in the area and Dr. Lane stated there are no others in Chester or Sugar Loaf. Mr. Finizia stated he was okay with the application.

Julie Bell stated she did not have a problem with it and asked the attorney's thoughts. Mr. Gove stated he saw language in the code that demonstrates the application would conform based on the professionalism of the veterinary license and the practice. He also stated that if the Board votes for an interpretation, no public hearing is needed because a variance or change is not occurring.

Chairman Lambros stated he was comfortable with the application and felt it would complement the other businesses in the office park. Walter Popailo stated he believed it was a professional business. Konrad Mayer stated he was fine with it.

Chairman Lambros called a vote to interpret the veterinary clinic as a professional use, seconded Vincent Finizia. All those present were in favor.

To note for the record, after the meeting it was determined that the applicant does in fact need to have a public hearing. The public hearing is scheduled for August 20, 2015.

**WORK SESSION – LEKE VATAJ 79 SOUTHSIDE DRIVE MONROE**

Appearing before the board was Leke Vataj seeking an area variance of the bulk requirements for a two-family home. The application was referred from the Planning Board.

Mr. Vataj stated that in October of 2014 he purchased the house. It was sold to him as a two-family. The assessor's office shows the property as a two-family house as of 1990 and it was taxed as a two-family. As soon as he started working on the house to rent it, he was cited with violations from the Building Department. The Building Department has the property listed as a one-family house. In 1999 the Building Department issued a notice that the property was without violations.

David Gove explained to the Board that to continue as a two-family house, which is permitted in the zone, the house doesn't conform with what the zone requires for the lot size. That is why the applicant needs the bulk area variance in order to maintain the house in conformity with the current zoning. The lot size is substandard.

ZONING BOARD OF APPEALS  
TOWN OF CHESTER  
1786 Kings Hwy  
Chester, New York 10918  
July 16, 2015

The applicant stated to the Board that the house does have town sewer as opposed to septic. Vincent Finizia stated for 25 years the property has been taxed as a two-family home.

Chairman Lambros made a motion to move the application to public hearing, seconded by Vincent Finizia. Motion carried 5-0. A public hearing is scheduled for August 20 2015.

**WORK SESSION – JJLV PROPERTIES 1831 KINGS HWY**

Next item on the agenda is an application for an interpretation of §98-29 J (2) of the zoning code. Appearing before the Board for the applicant was Jay Samuelson, PE and Marcello Cirigliano, Esq. The applicant is proposing a gas filling station with retail store at 1831 Kings Hwy. The applicant was referred by the Planning Board.

Mr. Samuelson stated that the Planning Board was requesting an interpretation if Frozen Ropes fell under the category of a school or place of public assembly because the code forbids a gas station within 500 feet.

Mr. Cirigliano stated that §98-29 does state that no gas station or filling station can be within 500 feet of a church, school, library, playground or similar place of public assembly but the applicant's position is that Frozen Ropes is not a place of public assembly because it is a for-profit commercial business.

Vincent Finizia questioned if Town Hall was within 500 feet as well. The property line is less than 500 feet from the applicant's property line. The building itself is over. Mr. Finizia stated Town Hall is a place of public assembly. Mr. Samuelson stated the definition of a place of public assembly states a structure, not property line. Mr. Samuelson read from the definition of a place of public assembly from §98-2 of the code.

Mr. Cirigliano stated the applicant's position was that Frozen Ropes was not a school or place of public assembly. Chairman Lambros stated he differed in opinion and thought Frozen Ropes could be considered a school as it teaches baseball instruction to children. The Board discussed their thoughts on Frozen Ropes as a being a school.

Chairman Lambros questioned what Frozen Ropes' use was listed as in the GC zone. Vincent Finizia stated he needed to research more about the 500 feet issue.

ZONING BOARD OF APPEALS  
TOWN OF CHESTER  
1786 Kings Hwy  
Chester, New York 10918  
July 16, 2015

Chairman Lambros made a motion to table the application to another work session in order for the Board to research the outstanding questions, seconded by Walter Popailo. Motion carried 5-0.

**WORK SESSION – CHRIS RODNEY 261 PINE HILL RD**

The next item on the agenda is a work session for an area variance for a front porch. Appearing before the Board for the applicant was Joseph Matta of Masterwork Home. He stated the intended porch is not really a livable space so much as a roof supported by columns.

The applicants showed the Board drawings of their intended project. Chairman Lambros polled the Board for questions and comments. Walter Popailo stated he did not have a problem with it. Julie Bell stated she was fine with it as long as it is never enclosed.

Chairman Lambros made a motion to move the application to a public hearing, seconded by Vincent Finizia. Motion carried 5-0. A public hearing will be scheduled for August 20, 2015.

**WORK SESSION – DR. VELEBIT DUZDEVICH 110 CONKLINGTOWN RD**

The final item on the agenda is an application for an area variance for a swimming pool. Appearing before the Board were Mr. and Mrs. Duzdevich.

Mr. Duzdevich stated he was trying to set up a pool in the backyard. It is semi-in ground. The home is located on a slope. He was referred by the Building Inspector. The applicant feels that the plot plan is incorrect in where it shows the septic. He brought with him a map of the property and pictures with measurements showing that the septic is beyond the area where he intends to put the swimming pool.

Vincent Finizia questioned whether the applicant needed a survey. The applicant stated he did not wish to spend the money on a survey. Julie Bell asked if perhaps a site inspection was needed. The attorney said that the applicant could take his photos and measurements back to the Building Department to prove the plot plan was incorrect.

The Board agreed that the applicant needed to prove to the Building Inspector where the septic is actually located. In order for the Board to take action on the application, the applicant needs to agree he is in violation of the setback. The Board suggested the

ZONING BOARD OF APPEALS  
TOWN OF CHESTER  
1786 Kings Hwy  
Chester, New York 10918  
July 16, 2015

applicant go back to the Building Inspector with his measurements showing he is in conformity and would be finished and not need a determination by the ZBA.

Chairman Lambros made a motion to close the meeting, seconded by Walt Popailo. Motion carried 5-0. The meeting was adjourned at 8:49 pm.

Respectfully submitted,

Tanya McPhee  
ZBA Secretary