

ZONING BOARD OF APPEALS  
TOWN OF CHESTER  
1786 Kings Hwy  
Chester, New York 10918  
April 20, 2023

Members present: **GREGG FEIGELSON, Chairman**  
**Tom ATKIN, Member**  
**Julie BELL, Member**  
**DAN DOELLINGER, Member**  
**Giuseppe Cassara, Alternate Member**

Members absent: **Walter Poppailo, Member**

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

**CHAIRMAN FEIGELSON** called the meeting to order at 7:04pm and opened with the Pledge of Allegiance

**CHAIRMAN FEIGELSON:** Okay so we have a very busy agenda with exactly one item no chickens tonight. It's regarding fences so this should be relatively straightforward. Just explain the situation. All members of the board were provided ample time to review your application, and supporting documents from our Counsel. We like to give the applicant a chance to give a quick summary and then an opportunity to ask question.

**AHKRAM SIDHU/APPLICANT:** Today meeting is about the fence which we inherited from the previous owners. We just got the house in January and then we found out the events of the outside front yard fence. It should be at 4ft but it's between 4.5" – 5". Our request was to keep the fence as is. The fence has been there about 10 years or so. It looks good.

**CHAIRMAN FEIGELSON:** Okay so just uh just to refresh the board's memory this was a building permit denial from the building inspector Alexa, on the 3<sup>rd</sup> of March 2023. The applicant has explained the situation fairly straightforward. Any questions or concerns from the board regarding this application?

**MEMBER BELL:** How long is the piece in the front?

**AHKRAM SIDHU/APPLICANT:** It should be around 100ft.

**MEMBER ATKIN:** What was the what was the purpose, the original intent of the fence was, was it dogs?

**AHKRAM SIDHU/APPLICANT:** I actually don't know they may have had a dog.

**MEMBER ATKIN:** So obviously the guy didn't get a building permit when he put the fence up.

**MEMBER BELL:** It wouldn't go back to the original owner?

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**CHAIRMAN FEIGELSON:** No he inherited the problem.

**AHKRAM SIDHU/APPLICANT:** We were told the owner moved to Vermont and she have to take care of it from there and she didn't have anyone to take care of. We wanted the house so decided to take care of it.

**CHAIRMAN FEIGELSON:** Is most of the excess the four feet is it in the front or it goes all the way to the back. It's a pretty big fence.

**AHKRAM SIDHU/APPLICANT:** It's the front yard.

**CHAIRMAN FEIGELSON:** Any other questions or comments from the board?

**MEMBER DOELLINGER:** Just a comment that I think that fence has been there a lot longer than the 10 years ago. I'm familiar with the neighborhood and I think that that's been there as long as I can remember

**MEMBER ATKIN:** It looks nice.

**CHAIRMAN FEIGELSON:** It look like it's been there a while.

**MEMBER BELL:** How high is it it's 4.5 or 5 feet?

**AHKRAM SIDHU/APPLICANT:** It's between somewhere to 4.5" to 5".

**MEMBER ATKIN:** Is that an electric gate in the front?

**AHKRAM SIDHU/APPLICANT:** No

**CHAIRMAN FEIGELSON:** Any other questions from the board?

**MEMBER CASSARA:** How did it become an issue for you other than Alexa? What brought it to rise other than you were not in conformance?

**AHKRAM SIDHU/APPLICANT:** I really actually don't know what exactly.

**MEMBER CASSARA:** Stuff that happens in the sale of a house that doesn't have a permit like a pool or a fence that exceeds a height you're supposed to correct that issue before you sell the house.

**SECRETARY FOOTE:** Sometimes what they end up doing is they get a notarized letter saying that the buyer is responsible.

**MEMBER CASSARA:** Unfortunately, you inherited this, or you should have had the seller correct that first.

**MEMBER BELL:** So, you knew buying the house that you had an issue?

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**AHKRAM SIDHU/APPLICANT:** Right before.

**CHAIRMAN FEIGELSON:** All right so let me let me just enter into the record that it appears the application is complete, and we need to do our SEQRA determination it doesn't look like there's any 239 referral necessary here, and if there was, there were changes to the counties requirements for 239 referrals that's just recently changed.

**COUNSEL DICKOVER:** So, the state park not too close? Are you within 500 feet of the state?

**AHKRAM SIDHU/APPLICANT:** I don't know how close it is

**CHAIRMAN FEIGELSON:** Your property borders on the state park?

**MEMBER DOELLINGER:** I don't think they border on it but I wouldn't be surprised if there weren't more than a couple of houses, it could be 500 feet.

**CHAIRMAN FEIGELSON *REFERRING TO PROPERTY SURVEY OF APPLICANTS HOUSE***  
Can you come up and take a look and see if this is the position of the property?

***APPLICANT REVIEWING SURVEY***

**CHAIRMAN FEIGELSON:** I think you're within 500ft. so we'll need to do a 239 referral to the State Park.

**MEMBER DOELLINGER:** If part of your property is within 500 feet of the state park and the state park picks up at the back at the end of Davis Hill and then comes up along the back side of most of the houses like on the south side of Murray and I don't know how far up it comes along Ayr. If its state property then its State Park.

**CHAIRMAN FEIGELSON:** We'll send a letter to the State Park and they have 30 days to respond. In the off chance that the parks department does respond in less than 30 days, we'll schedule a public hearing for the next meeting so if someone want to make that motion to schedule the public

**Motion to schedule a Public Hearing for May hearing by Julie Bell**  
**Second by: MEMBER CASSARA**

**Roll Call**

**MEMBER DOELLINGER:** Yes

**MEMBER BELL:** Yes

**MEMBER ATKIN:** Yes

**MEMBER CASSARA:** Yes

**CHAIRMAN FEIGELSON:** Yes

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MOTION FOR THE SEQRA DETERMINATION TO DECLARE THE ZONING BOARD OF APPEALS THE LEAD AGENCY OF THIS APPLICATION, this is a Type II ACTION

**Motion made by: CHAIRMAN FEIGELSON**

**Second by: MEMBER BELL**

**Roll Call**

**MEMBER DOELLINGER: Yes**

**MEMBER BELL: Yes**

**MEMBER ATKIN: Yes**

**MEMBER CASSARA: Yes**

**CHAIRMAN FEIGELSON: Yes**

**CHAIRMAN FEIGELSON:** We'll let you know if there's a public hearing. That's the only other complication that you need to response at least five days before the meeting. So there's two things you have to do one, is publish notice in the paper. Melissa will show you.

**Motion to adjourn the meeting by: CHAIRMAN FEIGELSON AT 7:25PM**

**Second by: MEMBER BELL**

**Roll Call**

**MEMBER DOELLINGER: Yes**

**MEMBER BELL: Yes**

**MEMBER ATKIN: Yes**

**MEMBER CASSARA: Yes**

**CHAIRMAN FEIGELSON: Yes**

Respectfully submitted,

Melissa FOOTE  
Zoning Board of Appeals Secretary