

ZONING BOARD OF APPEALS  
TOWN OF CHESTER  
1786 Kings Hwy  
Chester, New York 10918  
May 12, 2022

**Meeting called to order:** 7:00PM

**Members present:** Gregg FEIGELSON, Chairman  
Walter POPPAILO, Member  
Tom ATKIN, Member  
Giuseppe CASSARA, Alternate Member

**Members absent:** Julie BELL, Member  
Dan DOELLINGER, Member

**Also present:** Melissa FOOTE, Secretary

**Chairman FEIGELSON: called the meeting to order at 7:00 PM and opened with the Pledge of Allegiance.**

**Chairman Feigelson made a motion to adopt the April 10<sup>th</sup> meeting minutes**

**Member ATKIN:** I'll 2<sup>nd</sup>

**Member CASSARA:** Yes

**Roll call vote**

**Member POPAILO:** Yes

**Member ATKIN:** Yes

**Alternate Member CASSARA:** Yes

**Gregg Feigelson:** I'll make a motion to accept the minutes.

**Second by:** Member POPAILO

**Roll call vote**

**Member POPAILO:** Yes

**Member ATKIN:** Yes

**Alternate Member CASSARA:** Yes

**Gregg Feigelson:** This was a referral from the building inspector requiring a variance required for a front back set, front yard setback for 3 Laura Drive.

**Gregg Feigelson:** You want to build approximately 48ft x 8ft, the decking part with a roof that overhangs and the applicant is asked that we give them 2 more ft. Originally, we thought it needed two variances, one for the floor of the deck and one for the roof. But counsel has reconsidered and said that it only needs a small variance of 3.1 feet. The required setback is 35 feet, and he has more than 35 feet right now. If you look at counsels write up, you'll see all the math. Basically, the bottom line is, the entire variance is predicated on the roof, not the deck, and you get a get a 10% allowance into the setback for a roof. So, it only needs a 3.1ft variance, it's a pretty small variance.

**Tom Atkin:** But he also has 10 feet from the property line that out all right, so it's going to still look like it's 35 feet from the property.

**Gregg Feigelson:** So, if you visit that sewer line in the front, you'll notice that there's a lot more extra space there. So, there's was a Type II SEQRA Action, which we took care of at the last meeting. There was no 239 needed. We're here tonight to have the public hearing. If you have no further questions,

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we'll just open it to the public.

**Gregg Feigelson:** I'll make a motion to open the public hearing.

**Second by:** Member POPAILO

**Gregg Feigelson:** The public hearing is officially open. Is there anybody here to speak for or against the application?

**Gregg Feigelson:** Melissa, did we receive any correspondence via email?

**Melissa Foote:** No

**Gregg Feigelson:** I can actually close the public hearing without a vote. I will close the public hearing. The next order of business is to review the five questions. This is something we're obligated to do for your application before we actually vote whether to grant a variance.

**Five Factor Review**

**Chairman FEIGELSON:** It's time to review the five factors so we can move forward.

**Question #1:** Whether an undesirable change would be produced in the character of the neighborhood or a detriment to nearby properties would be created?

**Chairman FEIGELSON:** No

It may actually improve the character of the neighborhood.

**Member POPAILO:** No

**Member ATKIN:** No

**Alternate Member CASSARA:** No

**Question #2** Whether the applicant can achieve his goals by reasonable alternative which does not involve the necessity of an area variance.

**Chairman FEIGELSON:** Yes

**Member POPAILO:** Yes

Technically, you could say yes, that you can make it a little bit smaller.

**Member ATKIN:** Ye.

**Alternate Member CASSARA:** No

**Question # 3** Whether the variance is substantial

**Member POPAILO:** No

**Member ATKIN:** No

**Alternate Member CASSARA:** No

**Chairman FEIGELSON:** No

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

**Member POPAILO:** No

**Member ATKIN:** No

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**Alternate Member CASSARA** No  
**Chairman FEIGELSON:** No

**Question #5** Whether there has been any self-created difficulty  
**Member POPAILO:** Yes  
**Member ATKIN:** Yes  
**Alternate Member CASSARA** Yes  
**Chairman FEIGELSON:** Yes

**Chairman FEIGELSON:** We've done our diligence and it doesn't sound like there's really any concerns. Typically, what would happen is that we would vote for counsel, but Counsel isn't here tonight. Council would draft a decision, and then we would vote on it at the next meeting. But council was kind enough to actually draft it in advance. So, you will get the decision, next week. We discussed this at the last meeting, and he got the sense of what the board was thinking and he captured that in the decision. I have the decision here and I will sign it. But we have to get the vote first. Melissa has to get the town clerk to certify provide a copy to the building department. And that's

**Motion to Grant the decision:**

**Second by:** Member Popailo

**Roll call vote**

**Member POPAILO:** Yes

**Member ATKIN:** Yes

**Alternate Member CASSARA:** Yes

**Chairman FEIGELSON:** I also say yes.

**Chairman FEIGELSON:** Thank you for your applications, that were very complete, very informative. There's no other business for the board this evening. I'll make a motion that we adjourn. Can I get a second?

**Member DOELLINGER:** I'll second that.

**Chairman FEIGELSON:** Roll call vote

**Member ATKIN:** Yes

**Member DOELLINGER:** Yes

**Alternate Member CASSARA:** Yes

**Chairman FEIGELSON:** Yes, we are adjourned.

**Meeting adjourned at 7:33 pm**

Respectfully submitted,

Melissa FOOTE  
Zoning Board of Appeals Secretary