

Town of Chester  
**Zoning Board of Appeals**

1786 Kings Highway  
 Chester, NY 10918  
 (845)-469-7000 x338

**Chairman:** Gregg Feigelson

**Members:** Tom Atkin  
 Julie Bell  
 Dan Doellinger  
 Walter Popailo

**Alternates:** Kadeen Simpson  
 Paul Walker

**Attorney:** Alyse Terhune

**Secretary:** Melissa Foote

**Meeting Minutes for March 12, 2026**

**March 12, 2026 – 7:00 PM**

**Location:** Town Hall and Live Stream

**Facebook:** Chester Rec

**YouTube:** [Town of Chester, NY - YouTube](#)

Time	Agenda Items		
7:00 PM	Call to order		
	Roll call/quorum check		
	Pledge of allegiance		
	Adoption of minutes (as applicable)		
	Regular Business, new and old		
	Item	Applicant / Address / Zone	Summary
	1		Application Review – Area Variance
	Other business (as applicable)		
Adjournment			

Meeting called to order by **CHAIRMAN FEIGELSON** at 7:01 PM

Present: **CHAIR FEIGELSON, MEMBER ATKIN, MEMBER DOELLINGER, PAUL WALKER, MEMBER POPAILO, ALTERNATE MEMBERS/KADEEN SIMPSON MEMBER BELL, BOARD SECRETARY FOOTE, BOARD ATTORNEY TERHUNE**

Absent: **NONE**

Quorum confirmed

Pledge of Allegiance

Agenda Item 1 of 1

<b>Applicant</b>	Blanding
<b>Address &amp; Property Info.</b>	29 Cedar Pond Lane
<b>Referral Source (Date)</b>	Building Inspector – permit denial ()
<b>Request</b>	Area Variance
<b>Application status</b>	Complete
<b>SEAF</b>	n/a
<b>239-M Referral</b>	n/a
<b>SEQRA</b>	TBA

**CHAIR FEIGELSON** briefly describing the project.

**APPLICANT**

Explaining his project

**CHAIR FEIGELSON** briefly describing the project of a shed/barn and how the Building Inspector denied their Building Permit Application, because the applicant would like to build this in the front yard, which is not permitted under our Zoning Code 98-11B. The application is mostly complete with the exception of site plan. That would be would be helpful. A 239 L, M or N (Referral to the County) isn't needed, and we'll take care of SEQRA shortly. Let's start by about what you're looking to do.

**APPLICANT THANK** you for taking the time this evening to listen to our request. We intend to build, as you mentioned, a shed, barn structure. It's prefab., and we want to build this in front of the house. The reason for it is that around the house and also to the back of our house, is a very rocky area. The terrain of the whole property is very dynamic to put it the best way. So basically, to access our house this (*applicant referring to plan on projector screen*) driveway here goes down really steep and then we're sitting on a sort of on a plateau. So, the hill goes up to our house. There's a plateau and then it drops back down to a ravine in the back. We were thinking, we want to work with the most minimal impact to the land and not have to do a crazy excavation and leveling job. Plus, we don't know especially to the side of the house, if there's a lot of stones, there's boulders. We don't know what we're going to find there. So, the only leveled place is in front of the house. Unfortunately, we don't even know exactly where the front of the house is because when we are in front of the house, we look at the hill. So, I assume the front of the house is towards Cedar Point Lane because it was not so clear. In any case, we are recessed from Cedar Pond Lane, the private road that goes up to our house and about 500 ft and then 900 ft from Pinehill Road. So, it's recessed and it's also not visible at all. So, you don't see neither our house nor would you see the barn from any other roads at any moment. We talked to our neighbors and they said they wouldn't have an issue with it.

They said they wouldn't have an issue with it, because they don't see it from their house. so it not really an issue for them. Also, we are not planning to build like a very large structure or very tall structure. So, we live in a timber frame home. So, it's kind of has the same aesthetic. We are planning to paint it in the same way which is like a dark green which blends in also with the trees behind the barn.

We think it really doesn't interfere with the aesthetic of the neighborhood and therefore, seek your consideration in this matter.

**CHAIR FEIGELSON** So, can you point out where that would be on this satellite view where the barn would be placed?

**APPLICANT REFERRING TO THE SATELLITE VIEW ON THE SCREEN**

**MEMBER BELL** ASKING APPLICANT WHERE THE STRUCTURE IS GOING. 4

**CHAIR FEIGELSON** I think the question is from the technical question from the board standpoint is where is this barn shed going to be? Is it the front yard or is it actually your side yard? Do you happen to have a site plan, an As Built Site Plan for your house which would show the front entrance?

**MEMBER POPAILO** Asking where the front entrance is. 6 minutes, 29 seconds  
I think it's where there it's over here. So, technically it's on the side of the house, isn't it? Yeah.

**CHAIR FEIGELSON** explaining that the picture submitted by the applicant isn't really suitable for establishing where the front is.

**Board reviewing a Google Picture of the house. Board questioning if where they want to place it is actually, the side of the house.**

Yeah, maybe there's an area in which Where did you get that picture from?

**CHAIR FEIGELSON** stating that Applicant has a lot greater than five acres, and a lot greater than 5 acres in this town, you can have an accessory building in your front yard. long as it's not within the front yard setback which is 100 feet which it would be based on what you submitted. If it's the side yard, that would be a 70-foot variance. If it's actually in your side yard then you need 40 feet and you're already at 30 which means you'd only need a 10-foot variance. That's why we're making a fuss about this, it's a technical question.

**MEMBER POPAILO** So, what's the front of your house? I mean what's considered the front of this house?

**APPLICANT** that side over here points out to the street.

**MEMBER POPAILO** So, I mean the street comes so your side so this points to the street.

**CHAIR FEIGELSON** - So, the architectural front of your house faces Cedar Pond Lane.

**APPLICANT** - Yes.

**MEMBER POPAILO** –\* *Referring to a Google Image of the House on Screen*\*But the shed is going over here, right? \**Pointing to the location of where the shed is to go (see image attached)* \*

**ATTORNEY TERHUNE** – Is that a rock wall that we're looking at? –\* *Referring to a Google Image of the House on Screen*\*

**APPLICANT** - Yes

**CHAIR FEIGELSON** Do you have a site plan, survey?

**APPLICANT** - What we have for the survey, shows the rectangle, 9 minutes, 30 seconds  
We have what we got from the Building Department. I also went to the County and requested all plans as well and that's the best we have.

**ATTORNEY TERHUNE** - But the survey shows the house. It shows Cedar Pond Lane. So, this one here,

**\* Referring to Image of Survey of Applicants Property on Screen\***

**CHAIR FEIGELSON** I feel like someone drew that rectangle on there (Survey), not as part of the actual draft person? Maybe.

**ATTORNEY TERHUNE** - Where's the stamp? Is there a stamp on the survey? It would be in the corner?

**MEMBER ATKIN** - How many houses on the road?

**APPLICANT** - Four houses.

**CHAIR FEIGELSON** – Do we have actually hard copy.

**SECRETARY FOOTE** - Yes.

Beyond the lane.

**APPLICANT** - On our side. There is one other home on top of the hill. It's like a big mansion in the woods. The owners from that property now live in Paris. I don't have an address for them.

**MEMBER WALKER** - So, the picture that we just saw, that was taken from your driveway?

**APPLICANT** – From my driveway. You could not see the house from Cedar Pond Lane.

So, there's no visibility at all.

**MEMBER POPAILO** - So that that driveway that goes right up to the house that goes right up to the front of the house.

Yeah. This is the driveway and it goes right up to the front of the house.

**APPLICANT** – Yes, and then here is kind of like a little roundabout. We got the go ahead from all three neighbors, but because the land goes down the hill, they don't see it from any point of the house. They also checked if they would be in their hot tub and if they could see it, and said they wouldn't be able to see it. We checked with them. They did not see it. They have a little pool on their property, and they said they don't see it. So, we don't see anyone.

Nobody can see us, and then here we have our other neighbor, **\*(Referring to survey map on screen)**, they have a barn.

**CHAIR FEIGELSON** - On this map, where would the barn be approximately? If this short side of that rectangle representing your house was the front, So, it would be front yard if that is in fact the the front.

**ATTORNEY TERHUNE** - I think there's a clue if you read the definition of lot flag or rear, provides I think a clue as to what might be considered the front yard because it says a lot on which the buildable area is located generally to the rear of other lots having frontage on the same road as such lot. So that would be frontage not on Cedar Pond which is a private road but would be on Pine Hill. And if that's the case and this should be verified with the building inspector or this board should determine that, then he has a 100 Ft Yard setback in the front, then he would need a 70-foot variance as opposed to a side yard, right?

**MEMBER DOELLINGER** - I'm going to just say to support that, so, I don't think when this house was built, Cedar Pond Lane existed, because Cedar Pond Lane is a private road that was most likely created when the 911 system came into play in 1999. And so, these would have just been Pine Hill Road addresses with Flag Lots, before they were forced to create a private road because they were shared driveways, with more than one or two houses on a shared driveway. So, I would say that that this was originally a Pine Hill house before Cedar Pond Lane was created.

**CHAIR FEIGELSON** - Okay. So, it sounds like we have two options. We could either make the declaration that it's the front of the house is facing Pine Hill, in case it would be front yard setback variance, or check with the building inspector.

**ATTORNEY TERHUNE** - It's the building inspector's job first, to interpret the code. When I read his denial, it seemed to me that he was saying it was in the front yard, but it wasn't clear. If we look at the actual definitions. I give I think it gives the board a little bit of guidance. I would merely I would simply check that with the building inspector. Then as part of your deliberations, you could determine for all time that if there is a flag lot like this, the front, would be, you know, the road, Pine Hill, whatever the road might be called.

Then the issue would be put to rest for all other Flag Lots in a similar situation.

**CHAIR FEIGELSON** - Okay, that technicality aside, does the board have any further questions about this application? Any concerns more importantly?

**BOARD COMMENTS**

**MEMBER DOELLINGER** - I don't. I just again want to say that the identified front of the house also faces Pine Hill Road.

**CHAIR FEIGELSON** - Except that's not that's not the architectural front, the one that's facing Pine Hill, right?

**APPLICANT** – No, it isn't. It's the short side is the front. The short side is the front and it faces Cedar Pond Lane

**CHAIR FEIGELSON** - The front doesn't have to be the architectural front, which is why I keep saying architectural front. Especially on corner lots, right? It's the narrowest side regardless of whether it's the side or house. I'm not hearing any concerns from the board. So, seems encouraging. If you'd like to, the next step would be to schedule a public hearing, which would be Aril 9, 2026.

There are some requirements around that having to do with mailings and a publication at the Times Herald Record, which Melissa will help you with.

**MOTION TO SCHEDULE A PUBLIC HEARING FOR MARCH 12, 2026**

**BY: MEMBER ATKIN**

**SECOND BY: MEMBER POPAILO**

**ALL IN FAVOR : 4 Ayes 0 Naves**

Agenda Item 1 of 1

<b>Applicant</b>	O & R
<b>Address &amp; Property Info.</b>	57 Sugar Loaf Mountain Rd.
<b>Referral Source (Date)</b>	Building Inspector – permit denial
<b>Request</b>	Area Variance
<b>Application status</b>	Complete
<b>SEAF</b>	
<b>239-M Referral</b>	n/a
<b>SEQRA</b>	Town of Chester declared Lead Agency & Type II Action

**APPLICANT ATTORNEY/RUBEN BORMAN-GLEE PLATT AND SCHMIDT**

I'm here representing Orange & Rockland Utilities for an Area Variance, at their substation 57 Sugar Loaf Mountain Road. They want to replace the existing security fence, which is 6 feet with an 11ft security fence which would be a 5-ft variance from the code. This is part of their companywide security policy. They're doing this for safety and security. The substation has high voltage equipment which is highly dangerous. This policy and this type of fence has been approved and in fact funded by the public service commission.

So, if we run down the five statutory factors:

**First Factor** - one is whether an undesirable change will be produced in the character of the neighborhood or detriment to nearby properties? There t is no there's no neighborhood really. It's in a wooded a heavily wooded area. The substation is not visible from the road. There's no residential uh development nearby.

So, there will be no undesirable change to the character of the neighborhood. In fact, no real change to the character of the neighborhood. It's just a 5-ft increase in the height of the fence that's there.

**Second Factor** -Whether the benefits sought by the applicant can be achieved by some other method. No, not if they're to conform to their internal safety and security policy.

**Third Factor** - Whether the requested area variance is substantial.... No, it's just five feet.

**Fourth Factor** - Whether the proposed variance will have an adverse effect or impact on the physical environmental conditions.....No, in fact the opposite. It will have a positive effect because it will increase the safety and security of that substation.

**Fifth Factor** - Whether the difficulty was self-created, which technically it was, but that should not preclude the granting of the area variance. That's my case. Do you have any questions?

**MEMBER ATKIN** – It's for more security.

**APPLICANT ATTORNEY/RUBEN BORMAN-GLEE PLATT AND SCHMIDT** – Safety and Security, yes.

**MEMBER ATKIN** – They shouldn't even have to come here.

**MEMBER POPAILO** – It's a no brainer.

**CHAIR FEIGELSON** - Any other questions, concerns?

**MEMBER WALKER** - Is this adding on to an existing fence?

**APPLICANT ATTORNEY/RUBEN BORMAN-GLEE PLATT AND SCHMIDT** – They're going to take down one, and putting ng down new one.

**ATTORNY TERHUNE** - Is there a schematic?

**CHAIR FEIGELSON** - A schematic shows 10Ft fence...

**APPLICANT ATTORNEY/RUBEN BORMAN-GLEE PLATT AND SCHMIDT** – It's 10 it's a 10-foot metal frame and then one foot of concertina ribbon.

**MEMBER POPAILO** – Are they doing that with all of the stations. I believe so? Is that correct?

**APPLICANT ATTORNEY/RUBEN BORMAN-GLEE PLATT AND SCHMIDT** – Yes.

**CHAIR FEIGELSON** - I will note that this this did technically require a 239, L, M or N Referral. However, since it has to do with the area variance for a fence height, that is one of the intermunicipal agreements between the town of Chester and the Orange County planning departments is exempt. So, we don't have to go through that.

**Motion to schedule a public hearing for April 9th for Orange and Rockland by  
MEMBER BELL  
SECOND BY MEMBER POPAILO  
All In Favor 4 Naves 0**

**OTHER BUSINESS**

**SECRETARY FOOTE** - At last night's town board meeting, March 11<sup>th</sup>, 2026, they approved collab software for the Planning and Zoning board, and I am very excited about this. It's really going to help out with not just the board and the applicants but the residents as well.

The Public will now be able to go onto the Town Website under the Planning Board, or ZBA Department, it will show a map and it will have it numbered of each project that's going on. So, they can click on it and all the documents are there. I think it's really going to help with foil requests as well because if we already have everything online, they will have access to it.

Training will be provided to Planning, ZBA Board, and other internal Town Departments with appropriate access.

**Motion to Adjourn meeting at 7:30pm by MEMBER POPAILO  
SECOND BY CHAIR FEIGELSON  
All In Favor 4 Naves 0**