

ZONING BOARD OF APPEALS  
TOWN OF CHESTER  
1786 Kings Hwy  
Chester, New York 10918  
SEPTEMBER 17, 2015

**MEMBERS PRESENT:**

Vincent Finizia, Acting Chairman  
Gregg Feigelson  
Julie Bell  
Konrad Mayer  
Bob Garstak

**ALSO PRESENT:**

David Gove, Attorney  
Tanya McPhee, Secretary

The meeting was opened at 7:00 pm by the Acting Chairman Vincent Finizia who led those present in the Pledge of Allegiance.

Next ZBA meeting is scheduled for October 15, 2015.

The Acting Chairman updated the board that the application for interpretation of a gas station on Kings Hwy has formally been withdrawn.

**LEKE VATAJ – CONTINUED PUBLIC HEARING**

First item on the agenda is a continued public hearing for an application for an area variance from the bulk requirements of converting a property to a two-family home at 79 Southside Drive, Monroe.

Appearing before the Board was the applicant Leke Vataj. Mr. Vataj presented the Board with a letter that he brought with him to the meeting. Acting Chairman Finizia asked the members to read the letter as follows:

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Sept 16, 2015

Re: 79 Southside Drive

Dear Honorable members of Zoning Board/Planning Board

On October 2014 I Leke Vataj purchased and became an owner of 79 Southside Drive, Monroe, NY 10950 (SBL 10-9-3.1) Town of Chester.

Constructed in 1954 based on Town assessor's records. In that time frame no building permits were required. Based on code of Town of Chester the house would be under today standards as preexisting non-conforming.

The property was advertised and sold to me as a two family house, as it shows on any Town or tax search or on line.(see exhibit a,b,c,d,e, f).

Was it built originally as two units or single unit is unknown, but based on assessors records as of 1990 it is listed as and paying two family tax.(exhibit A).Building dept. has it as one single family. Even that nine years later Building department on a search of 1999 shows that there is no violations (exhibit H).The town Engineering Mr: Fusco says : I can't determine if it predates the zoning(exhibit I).

The house is a 1220 sq. ft. on 80x118 lot,it has over 35 ft of front setback and 36 to 50 feet side setback, see site plan (exhibit G).with adequate parking on two driveway,s. According to materials used in construction like ceiling and wall panels and some original galvanized plumbing and electric wiring, and plank boards on floors or sub floors ,if there was a conversion it was most likely in 1950,s or 1960,s based on materials.

I am in front of this Board to beg for a Area site Variance to make this property legal and without all this complications that lack of communications of Town offices among themselves made for me.

According to nineties district regulations of SR.2.5 house needs 10,000 sq.ft. lot for one family and to multiply that number by 1.75 for a two family presently it has 80x118=9440 sq.ft,out of needed 17,500 difference is of 8,060 sqft.area variance needed.

According to a new district regulations SR2 two family home needs one acre 43,560 sq.ft. lot it has 9,440 the difference is 34,120 sq.ft. area variance needed.

Please help me make it good and legal,it was not caused by me.

Thank you and Good bless you.

Leke Vataj

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Acting Chairman Finizia then stated to the Board that he had taken it upon himself to speak to the Building Inspector and was told in a lengthy conversation that prior to closing, documents were sent to the applicant stating that the property was a one-family home. The tax rolls show the property as a two-family, but in the building department it has always been a one-family house.

Mr. Vataj rebutted what the Acting Chairman said by stating that the first time the building department communicated with him was nine (9) months after he closed on the home. Acting Chairman Finizia stated that the Town's officials who the Board relies on said they did indeed send the documents prior to closing.

The attorney for the ZBA, David Gove, asked the applicant if the property was a bank-owned property. The applicant stated yes. Mr. Gove stated that he has seen a lot in bank repossessions where an error is made in title. So the building department may have forwarded that information to the bank and the applicant may or may not have seen it before closing. Mr. Gove asked if Fannie Mae owned the property. The applicant stated Deutsche Bank. The attorney has seen it multiple times in foreclosures that the documents are not accurate. Acting Chairman Finizia stated that if it had actually happened that way, that is the reason for taking out title insurance.

Gregg Feigelson also brought to the attention of the Board that the square footage of each apartment in the home was also below the minimum allowed in the code and stated that the application would also need a variance for that as well per §98-29 C.

David Gove confirmed the applicant would need an additional variance for per unit square feet in addition to the variance for lot size.

A motion to close the public hearing was made by Konrad Mayer, seconded by Gregg Feigelson. Motion carried 5-0.

Dave Gove stated this is an application before the Board seeking an area variance in zoning district SR.2 where the applicant is looking to have a two-family dwelling on a lot size that is 80 x 118. The current zoning regulations in that district would require a one (1) acre parcel which is 43,560 square feet. This dwelling is located on a lot size of 9,440 square feet. Therefore the applicant is requesting to grant an area variance of 34,120 square feet to permit the house to be used a two-family dwelling. In consideration of that application, the Board must answer each of these questions:

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

Acting Chairman Finizia: No.  
Gregg Feigelson: No.  
Julie Bell: No.  
Konrad Mayer: No.  
Bob Garstak: Yes.

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

Acting Chairman Finizia: Yes.  
Gregg Feigelson: No.  
Julie Bell: No.  
Konrad Mayer: No.  
Bob Garstak: No.

3. Whether the variance is substantial.

Acting Chairman Finizia: Yes.  
Gregg Feigelson: Yes.  
Julie Bell: Yes.  
Konrad Mayer: Yes.  
Bob Garstak: Yes.

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

Acting Chairman Finizia: No.  
Gregg Feigelson: No.  
Julie Bell: Yes.  
Konrad Mayer: No.  
Bob Garstak: No.

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

Acting Chairman Finizia: Yes.  
Gregg Feigelson: Yes.

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Julie Bell: Yes.  
Konrad Mayer: No.  
Bob Garstak: Yes.

The Board moved for a vote to decide whether to grant or deny the application.

The roll for the vote was as follows:

Members voting to approve the variance:

Gregg Feigelson  
Konrad Mayer

Members voting against the variance:

Acting Chairman Finizia  
Julie Bell  
Bob Garstak

Acting Chairman Finizia declared the area variance denied 3-2.

**KIPS BAY HOLDINGS – WORK SESSION**

Next item on the agenda is a referral from the Planning Board for an area variance for relief from parking requirements. Appearing before the Board for the applicant was David Griggs of ERS Consultants. The property location of the application is 173 Black Meadow Road.

Chairman Finizia asked if the relief is sought because the parking spaces would have to be placed in the wetlands. Mr. Griggs stated yes.

Mr. Griggs stated that this is a 41,000 square foot building over on Black Meadow Road. A couple of years ago they came in front of the Planning Board and the ZBA for a variance for parking for a 7,000 square foot addition at that time. The applicant is now looking to expand their space by 50 percent. So it would be 61,000 square foot building in total. The new addition would require 40 new additional spaces with 122 in total. Mr. Griggs stated they have adequate parking for the employees who work there now which are approximately 18 on rotating shifts. The additional warehouse space would make the applicant more competitive given the market conditions today. The applicant stated he didn't think he would have any more than two additional employees.

The Board discussed the increase in truck traffic that could be expected and the impact on Black Meadow Road, although it is a Planning Board issue. Mr. Griggs stated that the

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applicant had written a letter asking the speed limit be changed on the road, but nothing has come from that.

A motion was made to move the application to a public hearing by Gregg Feigelson and seconded by Konrad Mayer. Motion carried 5-0.

A public hearing will be held on October 5, 2015 at 7:00 p.m. in Town Hall.

**ANDRE KEEL- EXTENSION**

The final item on the agenda is an application for extension of approval to have a construction trailer on 24 Well Sweep in Chester. Appearing before the Board was André Keel.

Mr. Keel wrote the Board a letter asking for permission to extend his variance for a construction trailer in order to build a bridge over a seasonal stream to his property. The variance time limit had just expired and construction was still not yet completed. Mr. Keel informed the Board of the obstacles he had faced recently in construction of the bridge. The Board discussed with Mr. Keel what his future plans were.

The Board voted to grant an extension for the variance until May 15, 2015. Roll call for the vote was as follows:

Members voting to grant the extension:

Members voting to deny the extension:

Acting Chairman Finizia  
Gregg Feigelson  
Julie Bell  
Konrad Mayer  
Bob Garstak

The variance is granted 5-0.

The meeting was adjourned at 7:54 p.m.

Respectfully submitted,

Tanya McPhee  
ZBA Secretary