

## MINUTES

### VILLAGE OF CHESTER ZONING BOARD OF APPEALS

AUGUST 14, 2012

#### PUBLIC HEARINGS AND REGULAR MEETING

**PRESENT:** David STEVENSON, Acting Chairman  
Gordon SHEHAB, Member  
Daniel GORMAN, Member  
John ORR, Code Enforcement Officer  
Ian SCHLANGER, Attorney

**PUBLIC HEARING:**

**51 Meadow Avenue Public Hearing**

**Project # ZBA-12-01**

Applicant/Owner: Matthew Houston / Thundarr Blackstar  
Location: 51 Meadow Avenue, Chester (SBL 101-4-4 / RA Zone)  
Re: Variances - Side Yard; Minimum Lot Area; Use  
Presented By: Matthew Houston

Representatives present: Matthew Houston

Acting Chairman David Stevenson opened the Public Hearing and provided a brief overview of the Public Hearing Procedures.

Zoning Board of Appeals Secretary Sandra VanRiper read the Public Hearing Notice which appeared in the Times Herald Record (copy attached).

Proof of mailings was presented by the applicant.

Matthew Houston provided an overview of the project:

- Structure will be:
  - They will be rental units;
  - 2300 square feet total for both units;
  - Each unit will have 2 to 3 bedrooms;
  - Similar in size to the typical single family bi-levels being built;
  - Units will be side to side and not stacked on top of each other;
  - Each unit will have their own entrance;
  - Structure will have an attic, which will be locked and only accessed by the applicant;
  - No garages – parking will be in front of the structure and covered with item 4 (no paving);
  - The front lawn will be grass from the parking area to the road;
  - No patio will be located in the rear of the structure;
  - There will be a small overhang porch on the front of the structure;
  - Rear of the structure will be 50 feet from the rear property line;
  - Proposed floor plan submitted to the Board;
  - Property owner will maintain property – mow lawn; clear snow, etc.;
  - Structure will be placed approximately 200 feet from the front property line;
  - No basement – only a crawl space, which will be locked and only access by the applicant;
  - Utilities will be housed in a shed behind the structure – next to the structure in the rear;
  - Utility shed will be locked and only accessed by the applicant;
  - Municipal water and sewer will service the structure – applicant will be responsible for the water/sewer and the tenants will be responsible for the other utilities;

- Discussion was held about financial data, required by code, to back up why the current zoning is a hardship and the requested change in use, a 2 family dwelling, is the only economically feasible option for the applicant.

Acting Chairman Stevenson opened the meeting to the public for questions and/or comments:

- Marion Zangrillo of Meadow Avenue asked if the applicant planned on utilizing the Right of Way on Potter Lane.
  - Matthew Houston advised there are no plans on utilizing the Right of Way on Potter Lane.
- Marion Zangrillo of Meadow Avenue asked if the soil on the property is black dirt.
  - Matthew Houston advised the surrounding properties have black dirt, so he suspect 51 Meadow Avenue also has black dirt.
- Mary Altobelli of 4 Garden Street commented that property is a wreck and she would like to see something there that is good for the community. She then questioned how the project would impact the neighborhood.
  - Matthew Houston advised they screen all potential tenants with background checks, criminal checks, etc. to minimize the impact to the neighborhood.
- Marion Zangrillo of Meadow Avenue asked if the width of the property would accommodate the proposed two-family dwelling.
  - Matthew Houston advised that a single family dwelling is not financially worth the investment and pointed out that there are other duplexes on the street.
- Acting Chairman David Stevenson asked what the cost difference was between stacking the units and having them side by side.
  - Matthew Houston advised there is not much difference in the cost, but tenants are more attracted to the side by side as there is no-one on top of them, for noise reasons and because there's not just one tenant utilizing stairs to access their unit.
- Mary Altobelli of 4 Garden Street asked if the ditches would be removed or filled in.
  - Matthew Houston advised that they would be removing the brush from the property and widening the driveway, but there are no plans on removing or filling in the ditches.
- Mary Altobelli of 4 Garden Street suggested the applicant look into a tree buffer on the Potter Lane side of the property as well as plantings to help absorb the water which pools on the property.
- Dan Jonas of 7 Garden Street noted he spoke with his neighbor, Gary and they agreed that anything is better than what is currently on the property and they can't wait for the clean-up.
- CEO John Orr noted to the Board that there are currently 3 single family dwellings on Meadow Avenue either in foreclosure or close to foreclosure in the past year. This applicant wants to invest in the community for an extended amount of time.

It was determined that, as per the Code, the applicant is required to submit financial information and the Public Hearing would be held over to Monday, August 27, 2012 at 7:00 PM.

CEO John Orr requested the applicant submit a site plan detailing where the structure would be located and exactly how much of a variance was required for the side yards.

**\*MOTION** was made by Member Gorman and second by Member Shehab to keep the Public Hearing open and reconvene on Monday, August 27, 2012 at 7:00 PM to allow the applicant to present an updated site plan and financial information. Motion passed 3-0.

#### **REGULAR MEETING:**

Acting Chairman Stevenson opened the Regular Meeting.

#### **1. MINUTES:**

Review of December 2011 Minutes

**\*MOTION** was made by Member Shehab and second by Member Gorman to approve the December 2011 minutes as drafted. Motion passed 3-0.

**2. GENERAL DISCUSSION:**

General discussion was held regarding the resignation of Chairman Vinny Rappa and the need for additional members of the Board.

**\*MOTION** was made by Member Gorman and second by Member Shehab to adjourn the meeting. Motion passed 3-0.

Respectfully Submitted,



Sandra VanRiper  
Zoning Board Secretary

**ZONING BOARD OF APPEALS**  
**VILLAGE OF CHESTER, NEW YORK**  
**PUBLIC HEARING**  
**AUGUST 14, 2012 – 7:30 P.M.**

NOTICE IS HEREBY GIVEN, that the Zoning Board of Appeals of the Village of Chester, New York will hold a Public Hearing at the Village Hall, 47 Main Street, Chester, New York on Tuesday, August 14, 2012 at 7:30 P.M., or as soon thereafter as the matter can be heard, concerning the application of Mathew Houston / Thundarr Blackstar. The applicants are requesting various area variances from the Village Code Section 98-6, District Regulations (RA District) pertaining to Minimum Side Yard Setback Dimensions and Minimum Lot Area to accommodate construction of a new two-family dwelling. The applicant is also requesting a use variance to construction a two-family dwelling in a zone that only permits single family dwellings as a special use.

The property is located in the Village of Chester, New York, at 51 Meadow Avenue and is listed on the Village Tax Map as Section 101, Block 4, Lot 4 in a RA Zone.

The Zoning Board of Appeals of the Village of Chester, New York, will hear all persons interested at the aforementioned time and place.

BY: ORDER OF THE ZONING BOARD OF APPEALS  
VILLAGE OF CHESTER, NEW YORK

VINCENT RAPPA, CHAIRMAN