

**MINUTES**

**VILLAGE OF CHESTER**

**ZONING BOARD OF APPEALS**

**NOVEMBER 1, 2017**

**PRESENT:** David STEVENSON, Chairman  
Keith BRIDEWESER, Member  
Colleen COLLINS, Member  
Gordon SHEHAB, Member

**ALSO PRESENT:** John ORR, Code Enforcement Officer  
Harold PRESSBERG, Attorney

**NOT PRESENT:** Daniel GORMAN, Member

**PUBLIC HEARING 7:00 PM:**

Chairman Stevenson opened the Public Hearing for the Licciardi's application at 7:00 PM. The Public Hearing Notice was read into the record (copy attached). Chairman Stevenson requested and was given Proof of Mailings from the Applicant.

Chairman Stevenson read into record the correspondence from Orange County Department of Planning, declaring a Local Determination for this project (copy attached).

**Project # ZBA-17-02    Project Name: Licciardi Area Variance**  
Applicant/Owner: Louis Licciardi  
Location: 8 N Hudson Street, Chester (SBL: 112-1-14 / RS Zone)  
Re: Area Variance from Village Code §98-12(B)

Applicant Louis Licciardi presented his project, describing a tool shed to be constructed on the forward portion of his lot, closer to the road than his main house. He said the back of his lot beyond his circular driveway had a severe drop off that precluded putting the shed there. He said the intended area for the shed was wooded, the lot was elevated and the shed would be barely visible from the street. He presented photos of the shed, showing a one-story roofed structure with center-opening barn style doors and two decorative windows on either side of the doors.

Chairman Stevenson asked the ZBA members if they had any questions/comments.

Zoning Board Attorney Harold Pressberg asked the dimensions of the shed. Applicant said it would be 12' x 24'.

Code Enforcement Officer John Orr acknowledged the difficulties with the terrain of the lot, especially in the rear, where a circular driveway took up most of the space and came right up to the drop-off. To place the shed in the rear would require a large amount of landfill and a huge retaining wall.

Member Shehab asked how close the shed would be to the side lot line on the north side. Applicant was not quite sure but because there were woods on the lot boundary, he thought it might be about 20'.

There was a discussion about how close to the front lot line/road the shed would be, as well as how far back the main house was set back. Actual figures were not cited but it was estimated that the shed would be placed 20' from the front lot line and that the house was closer to 40' from the front lot line.

Chairman Stevenson asked Zoning Board Attorney Harold Pressberg if this area variance needed to be quantified if the relief sought was for a clause pertaining to the relative positions of two buildings on the lot, rather than a specific setback variance. Zoning Board Attorney Harold Pressberg recommended that the variance be quantified based on an estimation of the placement of the tool shed.

Chairman Stevenson asked about the drainage for the shed. Applicant said there would be no gutters; minimal rain would simply run off and be absorbed by ground.

Chairman Stevenson stated that he drove by the site earlier in the day and acknowledged that a similar situation existed in the area. He noticed a house across the street with an accessory building right by the road, far in front of the main house, and surrounded by litter, disturbed land and other items, contributing to a very messy appearance. He asked

how that was allowed to exist and if they had received a variance for that setup. Code Enforcement Officer John Orr stated that the situation with the lot across the street was going to be addressed in the near future.

Chairman Stevenson confirmed that N. Hudson Street was a "saddle" road with the applicant's lot at the apex of the hill and that the lot was raised even higher than the road, had a wide retaining wall creating an upper terrace for the main house, was heavily wooded on the perimeter and that the proposed shed site would be notched into the surrounding woods, further disguising its visibility.

Chairman Stevenson opened the hearing to the public for comments.

Neighbor Jerry Sutherland (11 N. Hudson Street) said he had no issues with the shed and thought it would not impact the appearance of the vicinity. He stated that it would be barely visible.

Zoning Board Attorney Harold Pressberg suggested making a Motion to declare the project a Type II action under SEQRA.

As there were no other questions from the members of the Zoning Board or the public in attendance, **\*MOTION** was made by Member Shehab, second by Member Collins to **CLOSE THE PUBLIC HEARING**. Motion passed 4-0.

### **REGULAR MEETING**

Chairman Stevenson opened the Regular Meeting.

1. **Minutes**

No minutes from previous meeting to review or accept.

2. **Correspondence**

Correspondence was reviewed during the Licciardi public hearing.

3. **Projects for Review**

**Project # ZBA-17-02**

**Project Name: Licciardi Area Variance**

Applicant/Owner:

Louis Licciardi

Location:

8 N Hudson Street, Chester (SBL: 112-1-14 / RS Zone)

Re:

Area Variance from Village Code §98-12(B)

**\*MOTION** was made by Member Shehab, second by Member Collins, to **DECLARE THIS AN TYPE II ACTION UNDER SEQRA**. Motion passed 4-0.

Chairman Stevenson asked ZBA members if they had any additional comments on the Licciardi application. None were given.

Zoning Board Attorney Harold Pressberg asked the applicant if he was considering larger sheds for purchase. Applicant said he did not think so. Code Enforcement Officer John Orr recommended that the wording of any possible variance be limited to the shed size under consideration to which Zoning Board Attorney Harold Pressberg concurred.

Chairman Stevenson read through the five conditions/discussion points required for granting an Area Variance, declaring that the applicant satisfied each of them.

**\*MOTION** was made by Member Shehab, second by Member Collins to **GRANT AN AREA VARIANCE FOR THE CONSTRUCTION OF A TOOL SHED (ACCESSORY BUILDING), NO LARGER THAN 12' X 24', AND SET NO CLOSER TO THE FRONT LOT LINE THAN 20', IN RELIEF FROM SECTION 98-12(B) OF THE VILLAGE ZONING CODE**. Motion passed 4-0.

Chairman Stevenson asked if anyone had anything else to discuss and as there were no other comments, **\*MOTION** was made by Member Gorman, second by Member Shehab, to **ADJOURN THE MEETING**. Motion passed 4-0.

Respectfully Submitted,



David Stevenson  
Chairman, Zoning Board of Appeals

**ZONING BOARD OF APPEALS**  
**VILLAGE OF CHESTER, NEW YORK**  
**PUBLIC HEARING**  
**November 1, 2017 AT 7:00 PM**

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 November 1, 2017, at 7:00 PM, or as soon thereafter as the matter can be heard, concerning the application of Louis Licciardi. The applicant is proposing to locate a tool shed in his front yard. He is requesting an area variance from the Village Code Section 98-12(B), which prohibits a structure from projecting nearer to the front lot line than the principal building or from otherwise failing to meet all front yard setback requirements.

The property is located in the Village of Chester, New York, at 8 North Hudson Street and is listed on the Village Tax Map as Section 112, Block 1, Lot 14 in a RS 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

DAVID STEVENSON, CHAIRMAN



Steven M. Neuhaus  
County Executive

## Orange County Department of Planning

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Commissioner

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### County Reply – Mandatory Review of Local Planning Action as per NYS General Municipal Law §239-1, m, & n

**Local Referring Board:** Village of Chester ZBA

**Applicant:** Louis Licciardi

**Project Name:** 8 N. Hudson - Shed

**Proposed Action:** Area Variance for shed in front yard setback

**Reason for County Review:** Village refers all area variance requests to Orange County

**Date of Full Statement:** September 25, 2017

**Referral ID #:** CHV 08-17M

**Tax Map #:** 112-1-14

**Local File #:** ZBA-17-02

#### Comments:

The Planning Department has reviewed the submitted materials regarding the appeal for an area variance. While the Zoning Board of Appeals must weigh the local issues in balancing the needs of the appellant with the potential impacts on the surrounding area, it does not appear that intermunicipal or countywide impacts would result if the board finds that granting relief is warranted in this matter.

**County Recommendation:**

**Local Determination**

**Date:** October 5, 2017

**Prepared by:** Megan Tennermann, AICP, Planner

David Church, AICP  
Commissioner of Planning

As per NYS General Municipal Law 239-m & n, within 30 days of municipal final action on the above referred project, the referring board must file a report of the final action taken with the County Planning Department. For such filing, please use the final action report form attached to this review or available online at [www.orangecountygov.com/planning](http://www.orangecountygov.com/planning).