



**ZONING BOARD OF APPEALS
Regular Meeting – November 23, 2022**

Chairperson Barbara Kearney called the meeting to order at 7:00 pm.

Attendance:

Chairperson Barbara Kearney, Vice Chairman Michael Hough, James Batsford, Victor Greco, Mary Clark, Zoning Administrator Jeremy Little (via Zoom) and Mindy Conway (Acting Secretary).

Chairperson Kearney welcomed everyone to the meeting and reminded the public of the rules of the Board and that everyone would have a chance to be heard during the public sections of the meetings.

Old Business:

#498-V: C. Thomas Luciano and Darlene Luciano are (1) requesting multiple setback variances for construction of structures on proposed Lot 1 and Lot 2 and (2) seeking relief from the 8.5 acres per Principal Building Intensity requirement for a proposed two-lot subdivision, according to Section 4.03 and Section 7.01(B)(4) of the Town of Chester Zoning Local Law. The proposed two-lot subdivision will result in the creation of Lot 1 consisting of 4.56 acres and Lot 2 consisting of 6.31 acres. Property is located at Carl Turner Road currently consisting of 10.87 acres, identified by Tax Map Parcel #: 87.2-1-1.1, in Zoning District Rural Use. ****PUBLIC HEARING remained opened from 04/27/2021 ZBA Meeting.****

Chairperson Kearney stated that **Variance Application #498-V: C. Thomas Luciano and Darlene Luciano** will remain open at the request of the applicant.

New Business and Public Hearings:

#525-V: Carl W. Barlow is requesting an 8.2 ft. front yard setback variance, according to Section 4.03 of the Town of Chester Zoning Local Law, in order to renovate the existing two-bedroom single-family dwelling and construct a new addition to the existing single-family dwelling. The 4,287 square ft. addition will consist of an expanded kitchen and living room area, four bedrooms including second floor master suite, covered porch, three-car garage and covered deck above an indoor pool. Property is located at 76-70 Clarkson Road, identified by Tax Map Parcel #: 86.19-1-2, in Zoning District Moderate Intensity.

Ethan Hall, Agent for Mr. Barlow, gave a brief description. It is an existing single-family residence and the reason for the variance is the location of the existing building, which is not in compliance. All of the new addition is conforming.

Chairperson Kearney asked if the original structure was going to stay and the two staircases are being removed. Ethan Hall said correct.

Chairperson Kearney asked if the overhang for the pool encroached on the setback. Ethan Hall said that it may slightly and the one in the back is right on the line.

Michael Hough asked if this was considered after the fact. Chairperson Kearney said that she would consider it existing, non-conforming. They are keeping the same footprint for the original house, and what they are doing new will meet all the setbacks.

James Batsford commented that as a Board they like to visit the properties they are looking at to get a better physical feel and they didn't see any stakes.

Chairperson Kearney commented that she assumes that there are no issues from the water, from the neighbors, from wells and septic. Ethan Hall said that there is a lot going on with the tightness of the community, they do meet all of the setbacks and the Barlows are drilling a new well, because the existing well is too close to both one of their neighbor's and to their proposed septic system.

Chairperson Kearney **opened** the Public Hearing for **Variance Application #525-V: Carl W. Barlow** at 7:10 pm.

Chairperson Kearney asked if there was anyone from the public who would like to speak.

Roy Layton has no problems with the variance; however, his one concern is the increase in the percentage of impervious surfaces. Chairperson Kearney asked if he was talking about storm water. Roy Layton commented that there has been problems in the past with water coming down the road and washing out the beach and was wondering if a retention basin could be installed.

Ethan Hall said that all of the eve runoff is being contained in eve trenches around the building. Also the new septic system out front has to be a raised, they are bringing in materials to build the system so the ground will actually be higher and be little bit of a block so the water won't run that way.

Roy Layton asked if the current variance was on the existing house and did it go to the right-of-way or the roadbed. Chairperson Kearney said the road. Ethan Hall said the property line. Roy Layton said that it is a 50 ft right-of-way. The Zoning Administrator commented that the measurement should be to the right-of-way and not the property line. Ethan Hall said that the road cuts in to the Barlow property.

Chairperson Kearney asked the Zoning Administrator if they need to be concerned. The Zoning Administrator said that if the measurement is to the property line then it should be looked into, because it should go to the right-of-way of the road. Chairperson Kearney said that is the center line of the road and they may not need a variance. Ethan Hall asked if the edge of the property was the edge of the right-of-way. Chairperson Kearney said that the road looks to be about 10 ft wide.

Dawn Freligh said that they are his neighbors and have no problems with the addition.

Chairperson Kearney asked if there was anyone else on this variance.

Hearing none.

On a motion by James Batsford, seconded by Mary Clark, the Public Hearing **closed** for **Variance Application #525-V: Carl W. Barlow** at 7:16 pm.

RESOLUTION FOR VARIANCE APPLICATION #525-V

WHEREAS, Carl W. Barlow (the “Applicant(s)”) is proposing to renovate the existing two-bedroom single-family dwelling and construct a new addition to the existing single-family dwelling on property located at 76-70 Clarkson Road, identified by Tax Map Parcel Number 86.19-1-2, in Zoning District Moderate Intensity (the “Project”) and has applied to the Town of Chester Zoning Board of Appeals (“ZBA”) for an 8.2 ft. front yard setback variance from requirements of Section 4.03 of the Town of Chester Zoning Local Law; and

WHEREAS, the 4,287 square ft. addition will consist of an expanded kitchen and living room area, four bedrooms including second floor master suite, covered porch, three-car garage and covered deck above an indoor pool; and

WHEREAS, the ZBA has classified the project as a Type II Action, requiring no further review under the State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, the ZBA opened and held a properly-noticed Public Hearing on Variance Application #525-V on November 23, 2022 and closed the public hearing on November 23, 2022; and

WHEREAS, Site Plan Review approval by the Planning Board will be required for the Project; and

WHEREAS, the ZBA has reviewed, considered and deliberated about the variance requested and the written and verbal comments received in connection with the variance application;

NOW, THEREFORE, BE IT

RESOLVED, that the ZBA hereby determines that the Application meets the requirements set forth in Section 4.03 of the Town of Chester Zoning Local Law for issuance of an area variance as further discussed below:

1. An undesirable change will not be produced in the character of the neighborhood nor be a detriment to nearby properties.
2. The benefit sought by the applicant cannot be achieved by some method feasible for the applicant to pursue, other than area variances.

3. The requested area variance is not substantial.
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
5. The alleged difficulty is not self-created.
6. The proposed variance is the minimum variance that is necessary and adequate to achieve the Applicant's goal and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
7. The benefit to the Applicant if the variance is granted would outweigh the potential detriment to the health, safety and welfare of the neighborhood or community.

FURTHER RESOLVED, that the ZBA therefore grants the requested area variance with no condition(s) imposed.

Introduced by James Batsford who moved for its adoption, seconded by Michael Hough:

Duly adopted this 23rd day of November 2022 by the following vote:

AYES: Chairperson Barbara Kearney
 Michael Hough
 James Batsford
 Victor Greco
 Mary Clark

NOES: None.

ABSTAIN: None.

ABSENT: None.

Chairperson Kearney commented that the Applicant did apply to the APA for a Jurisdictional Inquiry Form, the Town of Chester is the Agency to pursue the variance.

Minutes:

On a motion made by Michael Hough, seconded by Victor Greco, minutes for the Special Meeting September 8, 2022 were accepted.

AYE 4 NO 0
 Abstain – Mary Clark

Correspondence:

- Zoning Administrator's Activity Report for September and October 2022.

Public Privilege:

None.

Board Privilege:

None.

Adjournment:

On a motion by Victor Greco, seconded by Mary Clark, meeting adjourned at 7:26 pm.

Respectfully submitted,

Mindy Conway
Acting Secretary