



**MINUTES OF MEETING
ZONING BOARD OF APPEALS
TOWN OF CHESTER
August 27, 2019**

The meeting was called to order by Chairman MacMillen at 7:01pm

Chairman MacMillen introduced himself and welcome the public to the meeting.

ATTENDANCE:

Chairperson John MacMillen, Barbara Kearney, Michael Hough, Christine Hayes, Arnold Jensen, Mary Clark (Alternate), Jack D. Bartlett (Secretary) and Jeremy J. Little (Zoning Administrator).

OLD BUSINESS:

#448-V: CK Franchise Mgmt. Corp. (Kevin Wickert) is requesting an area variance for a 10 ft. extension attached to an existing dock that currently extends 40 ft. offshore where 40 ft. is required, according to Section 7.03(B)(4) of the Town of Chester Zoning Local Law. Property is located at 9 Woodside Ln., identified by Tax Map Parcel # 86.15-1-41, in Zone Classification Moderate Intensity.

Chairman MacMillen read the Variance Information to the Board and advised that this variance as still tabled as the Board has not received anything back from the Adirondack Park Agency who is currently reviewing. Chairman MacMillen asked the Zoning Administrator if we could send them a letter. Mr. Little responded that we don't need to send a letter as the applicant is currently awaiting a determination from the Adirondack Park Agency.

#449-V: James M. Crandall is requesting a 20 ft. backline setback variance and 2.5 ft. right sideline setback variance, according to Section 4.03 of the Town of Chester Zoning Local Law, in order to construct a 16' x 16' storage shed. Property is located at 64 Clarkson Rd., identified by Tax Map Parcel #: 86.19-1-51, in Zone Classification Moderate Intensity.

Chairman MacMillen read the Variance Information to the Board. The Variance would be tabled until the applicant returns to a Meeting of the Zoning Board of Appeals. Chairman MacMillen and other members of the board asked if we should send the applicant a letter as this Public Hearing has been open for close to a year. Thomas Thorsen, Zoning Enforcement Officer stated that he had spoken to the applicant and they wish to keep it open as they may still proceed with the project. A

discussion took place with what the Board should do for action and determined that the Variance and Public Hearing would be left open until further notice is received from the applicant.

NEW BUSINESS:

Chairman MacMillen read a correspondence from the Adirondack Park Agency in regards to G & B Rental Properties (O.P. Frederick's).

The Variance Application # 466-V (Ruth Barry) has pulled their Variance Application.

Chairman MacMillen recused himself due to a conflict of interest with Variance # 465-V. He handed the meeting over to Arnold Jensen who proceeded as the Acting Chairman. Mary Clark (Alternate) was seated in place of Chairman MacMillen.

#465-V: Victor Greco is requesting a 45 ft. front yard setback variance, according to Section 4.03 of the Town of Chester Zoning Local Law, in order to construct a 24' x 30' garage with 1' overhangs. Property is located at 181 Blue Bay Rd., identified by Tax Map Parcel #: 86.9-1-44, in Zoning District Moderate Intensity.

Acting Chairman Jensen read the variance. Jessica MacMillen of MacMillen Construction on behalf of Victor Greco presented the variance. Christine Hayes asked about the driveway in accordance to the plans given to the Board. Mrs. MacMillen reported that it is a Circular Driveway. Barbara Kearney requested that a corrected drawing showing the driveway be submitted. The Applicant updated the map to show the driveway. Arnold Jensen expressed that during his site visit there definitely was ledge present that would be a preventative factor and would be the cause for the applicant to need a variance. The Board members present agreed with Mr. Jensen's statement.

Having been duly advertised, Acting Chairman Jensen opened the Public Hearing at 7:10pm

There was no response from the Public during the Public Hearing.

A motion was made by Christine Hayes, Seconded by Barbara Kearney to close the Public Hearing at 7:10pm. All Board Members present in favor, non-opposed, the motion was carried 5-0.

A motion by Christine Hayes, Seconded by Barbara Kearney to approve Variance # 465-V for Victor Greco is requesting a 45 ft. front yard setback variance, according to Section 4.03 of the Town of Chester Zoning Local Law, in order to construct a 24' x 30' garage with 1' overhangs. Property is located at 181 Blue Bay Rd., identified by Tax Map Parcel #: 86.9-1-44, in Zoning District Moderate Intensity. Mrs. Hayes reviewed the Criteria for Approving a Variance as part of her motion to approve which included-

- 1.) There was no undesirable change would be produced in the character of the neighborhood or a detriment to nearby properties because the garage is 45 feet from the road.
- 2.) There is no feasible alternative to the variance that can provide a benefit if sought by the applicant, because the ledge rock is preventing them from any alternatives.
- 3.) The requested variance is substantial, however, it is not preventative of the Board approving the variance.
- 4.) The variance would not have an adverse impact on the physical or environmental conditions in the neighborhood.
- 5.) The Board agrees that the alleged difficulty is self-created.

Acting Chairman Jensen congratulated Mrs. MacMillen and her client on their approval.

Chairman MacMillen rejoined the meeting at 7:15pm.

MINUTES:

A motion was made by Arnold Jensen, Seconded by Michael Hough to approve the July 23, 2019 Minutes of the Zoning Board of Appeals. All Board members present in favor, non-opposed, the motion was carried 5-0.

CORRESPONDENCES:

The Zoning Board of Appeals received the following Correspondences-

- Zoning Administrator's Activity Report for July 2019
- Letter from LeRoy H. and Marilun G. Layton dated August 15, 2019 and received by the Zoning Office on August 19, 2019 RE: #466-V.
- Letter from Richard Stolen dated August 15, 2019 and received by the Zoning Office on August 23, 2019 RE: #466-V.
- Letter from the Adirondack Park Agency RE: G & B Rental Properties (O.P. Frederick's)

PUBLIC PRIVILEGE:

There was no business conducted during Public Privilege.

BOARD PRIVILEGE:

There was no business conducted during Board Privilege.

ADJOURNMENT:

A motion was made by Arnold Jensen, Seconded by Christine Hayes to adjourn the meeting at 7:16pm. All Board members present in favor, non-opposed, the motion was carried 5-0.

Respectfully submitted,

Jack D. Bartlett
Secretary
Zoning Board of Appeals