



**MINUTES OF MEETING
TOWN OF CHESTER ZONING BOARD OF APPEALS
Regular Meeting
December 22, 2020**

Chairman John MacMillen called the meeting to order at 7:00 p.m.

ATTENDANCE:

Chairman John MacMillen, Barbara Kearney (Via Zoom), Mary Clark, Michael Hough, Arnold Jensen, Jack D. Bartlett (Secretary), Jeremy Little (Zoning Administrator) (Via Zoom), Mark Schachner (Attorney for the Town) (Via Zoom), and Thomas Thorsen (Zoning Enforcement Officer).

OLD BUSINESS AND PUBLIC HEARINGS:

#481-V: Anthony F. and Linda T. Taverni are requesting a 13'-9" side yard setback variance and 10' rear yard setback variance, according to Section 4.03 of the Town of Chester Zoning Local Law, in order to replace a storage shed that was demolished pursuant to issued permits with a structure of same size (232 sf. ±) in existing footprint. Property is located at 826 Atateka Dr., identified by Tax Map Parcel #: 120.11-1-4, in Zoning District Moderate Intensity. ****PUBLIC HEARING remained open from 07/28/2020 Meeting.****

Chairman MacMillen stated that the Public Hearing for this Variance had been tabled. He stated that Board would need to make a decision within 62 days of closing the Public Hearing. If the Board was to wait until the January 2021 ZBA meeting then it would be 63 days since closing the Public Hearing. He stated that Board had two options: (1) Either hold a Special Meeting in regards to the Variance Request; or, (2) The Taverni's could waive the right to the 62 day decision and allow the Board to make a decision at 63 days. Anthony & Linda Taverni (Present at the Meeting) verbally waived the policy and would submit a letter in writing to this effect to the Zoning & Planning Office.

Arnold Jensen recused himself at 7:03pm.

Barbara Kearney stated that she felt there was an alternate location for the shed other than what is being presented by the applicant.

Michael Hough stated that he agreed with Ms. Kearney's statement. Mary Clark stated that she also feels that there is an alternative location available. Chairman MacMillen stated that he is drafting a resolution with the Town Attorney for review at the next meeting.

#481-V was tabled until the January 2021 ZBA Meeting.

Arnold Jensen rejoined the meeting at 7:08pm.

#488-V: 0 Valentine Park LLC (Rich Farina) is requesting a 50 ft. front yard setback variance, 23.9 ft. left side yard setback variance, 44.4 ft. right side yard setback variance, and variance from Section 8.01(B) for minimum area requirements, according to Section 4.03 and 8.01 of the Town of Chester Zoning Local Law, in order to construct a 54' x 26' Three-Bedroom Single Family Dwelling with 2 ft. overhangs. Property is located at Valentine Park Road, identified by Tax Map Parcel #: 136.6-1-11, in Zoning District Rural Use. ****PUBLIC HEARING remained open from 11/24/2020 Meeting.****

Chairman MacMillen read the Variance Request to the Board. The Public Hearing remained open from the November 24, 2020 Meeting.

Rich Farina (Applicant) and Zach Monroe of Winchip Engineering (Via Zoom) were present at the meeting. Mr. Monroe stated that a Storm Water Management Study had been completed as per the Board's request.

Barbara Kearney asked if the differing Engineer Reports could be considered a civil matter between the Association and the Applicant. Mark Schachner (Attorney for the Town) stated that the Board could ask the Town's Engineering Firm to review and complete an independent study of both Engineering Reports in order to advise the Board.

Arnold Jensen stated that he is concerned with the differing Engineer Opinions.

Chairman MacMillen stated that the Board could send both reports to Cedarwood Engineering (Engineering Firm for the Town of Chester) for review.

Michael Hough asked if these reports are studying the same things.

Mr. Farina stated that in a letter he had received from the Adirondack Park Agency (APA) that wetlands were not present on his property.

John Wright (Attorney representing the Homeowner's Association) stated that the Wetlands Study on the Storm Water Management Study that was submitted reference 1984 Wetlands from the Department of Environmental Conservation (DEC).

Mr. Farina stated that the APA has precedence over DEC and that his property was a buildable lot.

Mark Schachner stated that according to the Zoning Regulations for the Town of Chester that the applicant is requesting to build in the Town and is requesting a Variance, therefore said Variance is pending approval by the Zoning Board of Appeals. The Attorney for the Town is recommending that the Board send both Engineering Reports to Cedarwood Engineering for review.

Chairman MacMillen stated that he feels that the Board should have all of the information necessary.

A motion was made by Arnold Jensen, Seconded by Barbara Kearney to send both Engineering Reports and information present to Cedarwood Engineering for evaluation and recommendation. These reports will be submitted by the Zoning Administrator. A Roll Call Vote was called by Secretary Bartlett-

Chairman MacMillen- Yes, Mr. Jensen- Yes, Mr. Hough- Yes, Ms. Clark- Yes, Ms. Kearney- Yes. Motion carried 5-0.

NEW BUSINESS & PUBLIC HEARINGS:

#491-V: Kathleen Herold is requesting a 112 ft. front yard setback variance, 30 ft. left side yard setback variance, and a 32 ft. right side yard setback variance, according to Section 4.03 of the Town of Chester Zoning Local Law, in order to demolish an existing 5' x 18' porch and construct a new 18' x 18' screened porch. Property is located at 74 Bonnie Belle Farm Rd, identified by Tax Map Parcel #: 68.20-1-3, in Zoning District Resource Management.

Kathleen Herold was present Via Zoom. She stated that she purchased the property in May and would like to add a Screened in Porch for protection from the bugs.

Arnold Jensen asked if the Homeowner's Association had any issues with this request. Ms. Herold stated that they did not. Mr. Jensen asked if she could supply the Board with a confirmation letter from the Association that there are no concerns. Ms. Herold said she would. Chairman MacMillen stated that the letter could be a condition of approval.

Having been duly advertised, Chairman MacMillen opened the Public Hearing at 7:28pm

No comments were made during the Public Hearing

A motion to Close the Public Hearing at 7:29pm by Barbara Kearney, Seconded by Mary Clark. A Roll Call Vote was called by Secretary Bartlett-

Chairman MacMillen- Yes, Mr. Jensen- Yes, Mr. Hough- Yes, Ms. Clark- Yes, Ms. Kearney- Yes. Motion carried 5-0.

A motion to approve #491-V by Arnold Jensen with the following Criteria to Approve a Variance-

1. There was no undesirable change produced to change the character of the neighborhood or be a detriment to nearby properties.
2. There is not a feasible alternative to the variance that can provide a benefit if sought by the applicant.
3. The requested variance is substantial.
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.

Mr. Jensen stated that #491-V is a Type II Action not subject to SEQR. Conditions for Approval-

1. Letter from the Association that there are no concerns regarding the project is to be submitted to the Zoning Office prior to issuance of a Zoning Permit.

The motion was seconded by Mary Clark. A Roll Call Vote was called by Secretary Bartlett-

Chairman MacMillen- Yes, Mr. Jensen- Yes, Mr. Hough- Yes, Ms. Clark- Yes, Ms. Kearney- Yes. Motion carried 5-0.

MINUTES:

Secretary Jack Bartlett stated that he was making a correction to the spelling of a name on the November 24, 2020 Minutes and requests that Board approve with the amendment. A New Copy of the minutes will be e-mailed to the Board and posted on the Town Website.

Jill Broderick passed out proposed changes to the November 24, 2020 Minutes to Chairman MacMillen, Mary Clark, Michael Hough. A copy was e-mailed to Barbara Kearney.

Chairman MacMillen and the Board Members reviewed the proposed changes. A discussion ensued regarding the Minutes. Secretary Jack Bartlett stated that the Minutes were from both the Zoom Recording of the Meeting and his own notes taken during the meeting. He also reminded the Board that the Minutes of Town Meetings for the Town of Chester, taken by the Town Clerk for the Town Board and himself for the Zoning and Planning Boards are not transcripts, but are written records of what has occurred during a meeting.

Barbara Kearney stated that the Minutes as presented seemed to be accurate and that her decision as Board Member were not based upon the Minutes written.

Chairman MacMillen stated he felt that Minutes written by the Secretary based on the Zoom Recording and written notes of the Meeting were accurate and the Board could move forward with a motion for approval.

A motion to approve the minutes of the November 24, 2020 Meeting of the Zoning Board of Appeals with the Amendment made by the Secretary was made by Mary Clark, Seconded by Barbara Kearney. A Roll Call Vote was called by Secretary Bartlett- Chairman MacMillen- Yes, Mr. Jensen- Yes, Mr. Hough- Yes, Ms. Clark- Yes, Ms. Kearney- Yes. Motion carried 5-0.

CORRESPONDENCE:

- Zoning Administrator's Activity Report for November 2020;
- Revised Site Plan for 0 Valentine Park LLC received by the Zoning Office on December 15, 2020 RE: #488-V; Letter from John D. Wright (Bartlett, Pontiff, Stewart & Rhodes) dated December 21, 2020 with attachments and received by the Zoning Office via e-mail on December 21, 2020
- Additional attachment received from John D. Wright (Bartlett, Pontiff, Stewart & Rhodes) via e-mail on December 22, 2020 RE: #488-V. Attachment titled "New York State Stormwater Management Design Manual – appendix D".
- Written Comments/Revisions to the November 24, 2020 Meeting Minutes submitted by Jill Broderick to the Board Members on December 22, 2020.

PUBLIC PRIVILEGE: None

BOARD PRIVILEGE:

Barbara Kearney stated that any comments by the Public to Board Members should be directed through the Zoning & Planning Office. Members of the Public should not contact Board Members personally.

ADJOURNMENT:

A motion was made by Mary Clark, seconded by Michael Hough to adjourn the meeting at 7:43pm. A Roll Call Vote was called by Secretary Bartlett- Chairman MacMillen- Yes, Mr. Jensen- Yes, Mr. Hough- Yes, Ms. Clark- Yes, Ms. Kearney- Yes. Motion carried 5-0.

Respectfully submitted,

Jack D. Bartlett
Secretary
Zoning Board of Appeals