



**MINUTES OF MEETING
TOWN OF CHESTER ZONING BOARD OF APPEALS
Regular Meeting
December 28, 2021**

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

ATTENDANCE:

Chairwoman Barbara Kearney, Vice-Chair Michael Hough (Via Zoom), Victor Greco (Via Zoom), Jim Batsford, Jack D. Bartlett (Secretary), and Jeremy J. Little (Zoning Administrator) (Via Zoom). Absent was Mary Clark.

Chairwoman 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 AND PUBLIC HEARINGS:

#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.

Not Present.

#508-V: Kathi DeClerk, Robert Devlin, and Deborah Devlin are requesting a 49.7 ft. front yard setback variance from Woodcliff Acres Rd., 10.1 ft. front yard setback variance from Boulder Drive, and a 2.7 ft. side yard setback variance, according to Section 4.03 of the Town of Chester Zoning Local Law, in order to renovate the existing one-bedroom Single Family Dwelling with a loft (904 sq. ft. of living area) and construct a new addition to the existing single family dwelling. The addition will consist of a new bedroom with master bathroom, living room, laundry, and loft (to be used only as an office), 120 sq. ft. screened porch and 312 sq. ft. deck (Total 1,626 sq. ft. living area). Property is located at 38 Woodcliff Acres Road, identified by Tax Map Parcel #: 120.6-2-17, in Zoning District Moderate Intensity.

Deborah Devlin was present at the meeting. She stated that after consultation she had the following requests from the Board-

1. Front Yard Setback- She stated that this variance would be improving the distance from Woodcliff Acres
2. Reducing Boulder Drive Sideline and Rearline- Would change the design of the home and would add additional costs to the Applicants.
3. The drainage would be addressed when the new roadway is constructed. The Applicant felt that this could be a condition of approval.
4. Arcs on Site Plan- They mark 100 feet from each well.
5. Privacy Landscaping- Would be addressed at the completion of the project.

Michael Hough stated that he is still concerned with the location of the proposed stairs, and feels that the screen porch could be redesigned to reduce the need for a variance. The Applicant stated that the redesign would force them to incur additional costs for the redesign and the site plan. Michael stated that he would like the stairs moved and a redesign of the screen porch to eliminate variances.

Jim Batsford reviewed the Elevation Drawings and sees why the Applicant chose the location of the stairwell.

Chairwoman Kearney stated that it is the job of the Board to grant the minimum amount of variances possible.

The Applicant stated that changing the stairs location would impact the egress into their residence.

Victor Greco stated that changing the stairs would bring the entry closer to the southern neighbors.

Michael Hough stated that the redesign of the screen porch could eliminate the need for a variance.

Victor Greco stated that the Board is trying to minimize the amount of variances and trying to still work with the Applicant. They are looking for a plan for drainage as this has been an issue with the neighbors. The Applicant stated that the Homeowners Association is taking care of the drainage issues but have not completed the repairs yet.

Chairwoman Kearney stated the Board is looking for some sort of a drainage plan.

Jim Batsford asked what the low spot near the neighboring property was, the Applicant stated that is Indian Springs and that is where it flows.

The Applicant stated that they have water issues in the area.

Victor Greco would like to see the minimum amount of variances possible for the best interest of the Applicant and the neighborhood.

Chairwoman Kearney stated that a preliminary landscaping plan would benefit the Applicant.

Zoning Administrator Little advised the Board that the leach field is existing and no changes are being made.

Michael Hough stated that redesigning the corner on the southside of the property could help the Applicant with the need for a variance.

The Applicant stated that they cannot afford to do anymore work on this project especially with the design.

A discussion took place on potential design changes

The Applicant stated that no digging has been completed on the property yet.

Public Hearing (Remained Open from the November 2021 Meeting)-

Cynthia Brown (40 Woodcliff Acres)- Very concerned with any variances being requested especially from the northern property line. She has scheduled a survey to be completed by the end of January to agree on the northern property line. The drainage concerns toward her property and the roadway. She prefers if the stairs stay as designed so they don't impact her property. She would like landscaping to be completed for privacy between the two properties. She is concerned with the proposed screened in porch being closer to their existing deck on her property. She is concerned with the potential for blasting.

Erica Mitchell (40 Woodcliff Acres)- She is concerned with parking for the property. The Applicant advised the Board that parking would remain where it is currently located.

Chairwoman Kearney stated the public hearing will remain open and asked the Applicant to notify the Zoning Administrator if she will be presenting at the January 25, 2022 Meeting of the Zoning Board of Appeals.

NEW BUSINESS AND PUBLIC HEARINGS:

#509-V: Word of Life Fellowship, Inc. are requesting multiple area variances from requirements of Section 7.04 of the Town of Chester Zoning Local Law, in order to install a 53.16 square ft. internally illuminated free-standing monument sign to include a digital display to notify motorists of community events and important information for students. Property is located at 8072 State Route 9, identified by Tax Map Parcel #: 36.-1-20, in Zoning District Hamlet.

Tom Wheeler with AJ Sign Company was present at the meeting, as Agent for Word of Life.. Word of Life is seeking to install a new monument sign with aluminum with "Word of Life" Logo to be soft lit at night with a digital display with dimmer to adjust brightness. The display can be changed remotely. There is a seven second hold time on the sign. There would be landscaping completed around the sign.

Chairwoman Kearney asked that per the plot plan, would the existing sign on State Route 9 be remaining, since it had other businesses on it. She continued that Word of Life also has a sign on Glendale Road and they are only permitted 2 signs. She stated that she would also like more information on the specific sign and would like to see more of a visual presentation.

Victor Greco asked if the existing sign was being replaced. Craig from BBL Construction representing the Applicant stated that signs that are currently on the parcel will be removed and replaced with the proposed sign.

A discussion took place regarding the existing signage on the property.

Chairwoman Kearney stated that she is looking for a full presentation of what is being requested and see if the Applicant could superimpose the sign in the area to demonstrate what is being proposed.

Mr. Wheeler stated that the sign will help clean up the corner a little bit.

Victor Greco asked if the signs construction would make changes to the landscaping. Mr. Wheeler stated that the landscaping could damage the sign itself. The Applicants would want to give the expensive sign some breathing room and give the cars on the roadway a good visibility.

Chairwoman Kearney stated that she would like to see conversations had with the businesses that are on the current sign on the parcel before it is removed.

Victor Greco stated that he would like to see what could be done without removing the trees and the fence that are currently on the parcel.

Michael Hough asked why the Applicant needs 53 square feet instead of the 40 square feet that is within the regulation. Mr. Wheeler stated that it is a 12x12 module and wants the text to be clear without people taking their eyes off the road for more than a few seconds.

Mr. Wheeler asked if the Board would like to see either the existing fence or rustic landscaping plan. Chairwoman Kearney stated that the Board would like to see many alternatives.

Chairwoman Kearney stated that if the application is simplified, it may be easier to explain and be understood.

Jim Batsford asked if it would be a two sided sign. Mr. Wheeler stated that it would be a two sided sign running perpendicular.

Chairwoman Kearney stated that she would like additional designs for the next meeting. She asked Mr. Wheeler where in the Adirondacks has the company installed this specific sign that the Board could take a look at it.

Michael Hough would like to see alternatives to reduce the design and get closer to the 40 square foot regulation.

Mr. Wheeler stated that measuring the sign is just 42 square feet at this time, and the Applicant could work on getting it to 40 square feet.

Having been duly advertised, Chairwoman Kearney opened the Public Hearing at 8:18pm-

Paula Cooper (Via Zoom) stated the following-

1. The sign currently on Glendale Road almost mirrors the sign on Route 9

2. She would like to know what kind of benefits the community would be receiving by Word of Life having a digital sign
3. She stated that the Community is not allowed on the campus
4. She feels that the sign will not benefit the community
5. The students are on the campus, how will this benefit them
6. Has the Department of Transportation reviewed the traffic and the affects the sign will have on the roadway?
7. She has issues with the Landscaping Plan as proposed
8. She feels that sign is not very "Adirondacky"
9. Lighting is an issue at Word of Life
10. Concerned with the amount of Tree Removal on the property
11. She would like to see down lighting on the property
12. Feels that Word of Life has issues on the property
13. Looking to keep the Adirondacks the Adirondacks
14. Concerned with illumination
15. Would like a traffic study to be completed
16. Feels that Word of Life has built up too much
17. Asked how the Word of Life sign will improve the neighborhood
18. Feels that the proposed sign would be a detriment to the community.

Mr. Wheeler stated that the level of lighting would be controlled. The sign dims down during the night and is brighter during the day. The level of lighting is controlled.

Paula Cooper continued that she would like to see a traffic study completed. She would like criteria for a land management sign lettering from the bureau of land management.

Mike Dolan (Glendale Road)- Is concerned with the power source for the sign, if it is a fixed object, lights off the sign, the disturbance to the community, and states that legal action will be taking place regarding what is happening at Word of Life currently.

Chairwoman Kearney stated the public hearing will remain open as the Board has not received all of the information to move forward with a decision on the Application.

Chairwoman Kearney stated that the sign will require SEQRA Review as the project is an Unlisted Action and a coordinated review will be conducted. The complete Application will be forwarded to the Adirondack Park Agency, NYSDOT and Warren County, with the Town ZBA's intent to be lead agency. Chairwoman Kearney stated that at this point, the Board would like the Applicant to submit the information to the Board as soon as they are ready.

Jim Batsford said that he saw the zoning variance identification card at the project site but would like to see the location of the sign staked out.

MINUTES:

A motion was made by Jim Batsford, seconded by Michael Hough to approve the November 23, 2021 Minutes of the Zoning Board of Appeals.

Victor Greco had a question regarding the November 23, 2021 ZBA Minutes. He stated that under "Public Privilege" on Page 6 of the Minutes it reads, "She thinks that it would be better for

the Applicant have to more variances so that each party can be happy with the results of the property (in reference to the concerns of Cynthia Brown)".

The Secretary stated that it should read "...for the Applicant to have more variances..." instead of "...for the Applicant have to more variances...". The correction will be made to the Minutes.

The motion was amended by Jim Batsford, seconded by Michael Hough to approve the November 23, 2021 Minutes of the Zoning Board of Appeals, with the above noted correction made on Page 6 of the Minutes. A Roll Call Vote was called by Secretary Bartlett.

AYES: Kearney, Hough, Greco, Batsford

NAYES: NONE

ABSTAIN: NONE

ABSENT: Clark

The motion carried 4-0.

CORRESPONDENCE:

- Zoning Administrator's Activity Report for November 2021;
- E-mail from Carol Asiello dated November 30, 2021 and received by the Zoning Office on November 30, 2021 RE: 508-V;
- E-mail from Shawn Kiernan dated November 30, 2021 and received by the Zoning Office on November 30, 2021 RE: 508-V;
- E-mail from Harry Disch dated November 30, 2021 and received by the Zoning Office on November 30, 2021 RE: 508-V;
- E-mail from Mary Jernigan dated November 30, 2021 and received by the Zoning Office on December 01, 2021 RE: 508-V;
- E-mail from Hali Goodman-Holmes dated November 30, 2021 and received by the Zoning Office on December 01, 2021 RE: 508-V;
- E-mail from Robert and Kathryn Perry dated December 01, 2021 and received by the Zoning Office on December 01, 2021 RE: 508-V;
- E-mail from John Bevilacqua dated December 02, 2021 and received by the Zoning Office on December 06, 2021 RE: 508-V;
- E-mail from Susan Wilson (Rich Bartolotta) dated December 07, 2021 and received by the Zoning Office on December 08, 2021 RE: 508-V;
- Warren County Planning Department Project Review and Referral Form, reviewed by Department on December 10, 2021 for #509-V. Form received by the Zoning Office on December 13, 2021;
- E-mail from Deborah Devlin dated December 09, 2021 and received by the Zoning Office on December 13, 2021 RE: #508-V;
- E-mail from Cynthia P. Brown dated December 18, 2021 and received by the Zoning Office on December 20, 2021 RE: #508-V;
- E-mail from Carol Asiello dated December 21, 2021 and received by the Zoning Office on December 21, 2021 RE: #508-V;
- E-mail from Carol Dube dated December 22, 2021 and received by the Zoning Office on December 22, 2021 RE: #509-V;
- E-mail from Paula Cooper dated December 23, 2021 and received by the Zoning Office on December 27, 2021 RE: #509-V.

Chairwoman Kearney reminded the Board Members to be mindful of where correspondences are from in regards to Applications.

PUBLIC PRIVILEGE:

None.

BOARD PRIVILEGE:

None.

ADJOURNMENT:

A motion was made by Jim Batsford, seconded by Michael Hough to adjourn the meeting at 8:47pm. A Roll Call Vote was called by Secretary Bartlett-

AYES: Kearney, Hough, Greco, Batsford

NAYES: NONE

ABSTAIN: NONE

ABSENT: Clark

The motion carried 4-0.

Respectfully submitted,

Jack D. Bartlett
Secretary
Zoning Board of Appeals