



**MINUTES OF MEETING
ZONING BOARD OF APPEALS
TOWN OF CHESTER
FEBRUARY 23, 2016**

The meeting was called to order by Mary Jane Dower at 7:01 p.m.

ATTENDANCE:

Mary Jane Dower, Arnold Jensen, Bill Oliver, John MacMillen, Alternate Tom Thorsen and Walter J. Tennyson (Zoning Administrator). Absent was Chairperson John Grady.
(Amended at 3/22/16 meeting-Tom Thorsen is a member and no longer an alternate to the board and as of Jan 14 Chairperson John Grady had resigned so was not absent.)

PUBLIC HEARING:

#424-V – Edward Abele is requesting a 16.5 frontline setback variance and a 13.1 ft. shoreline (backline) setback variance, according to Section 4.03 and Section 7.01(B)(4) of the Town of Chester Zoning Local Law, for the construction of a single family dwelling. Property is located at 181 Chester Shores Dr., identified by Tax Map Parcel #: 86.18-1-23, in Zone Classification Moderate Intensity.

NEW BUSINESS: None.

MINUTES:

Zach Monroe of Winchip Engineering, representing Edward Abele, presented a map showing changes from existing structure. They want a basement in the new dwelling which can't be done where existing structure is due to the fact it needs to be 2ft. above 100 year flood elevation. The new structure will be closer to the road but farther from the shoreline. He stated the septic variance approval was TBD at next Town Board meeting.

John MacMillen asked why can't you put fill in the existing location and build. No variance would be needed if they did that. Also acknowledging the cost would be much more and understood why they want the variance.

Harry Stoops (concerned neighbor/2 parcels south) wanted better explanation of variance requested as he is concerned for septic contamination in his neighborhood. Town Board member gave him notes on that subject. **(Amended at 3/22/16 meeting-please note that the town board member was Karen Durose.)**

Edward Abele states he thinks this is a vast improvement, will do a nice job on structure and will be compliant with all zoning laws. He agrees all concerns are valid concerns.

Arnold Jensen asked if it will be same height as the neighbors? Zach Monroe was unsure of the height of neighbor's dwellings so was unable to answer. But did state it would be slightly higher than existing structure. No final drawings are available because project has not yet been approved.

John MacMillen states there is no issue with variance from lake as it is farther away. It is the 16.5 ft that makes it closer to the road would be only concern. He also states they can approve variance with conditions that septic variance must be approved by Town Board and dwelling can't be more than 2 ft. higher than existing structure.

John MacMillen made motion that this is a Type II action and has no significant impact.

2nd the motion-Arnold Jensen.

All in favor. 5-0.

Area Variance Criteria-

1. Can benefit be achieve by other means? No.
2. Is it a detriment to nearby properties or an undesirable change in the neighborhood? No.
3. Is the request substantial? Yes, it is believed to be substantial. 16.5 ft. closer to road. 27.5%.
4. Physical or environmental effects to neighborhood? No.
5. Is difficulty self-created? Yes.

No letters are believed to exist concerning this variance.

Bill Oliver made motion to approve application # 424-V with the conditions that septic is approved by Town Board and new structure is not more than 2ft. higher than existing structure.

2nd the motion- Arnold Jensen. All in favor. 5-0.

Arnold Jensen makes motion to close hearing. 7:42pm. 2nd the motion- Bill Oliver. All in favor. 5-0.

CORRESPONDENCE: None.

OLD BUSINESS: Fred Homer was concerned that his sign for Dynamite Hill in front of the Chamber would not be acceptable because in the minutes of the meeting in July (adjourned to Aug 8) it was stated that the sign would be blue. The sign was ordered and the sign is red, green and yellow. On the original application no color was stipulated only said in the meeting minutes. He asked Zoning Board if this was acceptable or would he have to order a new sign. He did receive a notice that sign had to be removed. **(Amended at 3/22/16 meeting- please note the name is Fred Holman not Fred Homer and he received a notice he needed a variance approval not that it had to be removed.)**

All agree multi-color sign is easier to read and there are no objections to keeping sign as is.

John MacMillen makes motion to approve sign at Dynamite Hill in front of the Chamber from the color blue to red, yellow and green.

2nd the motion-Tom Thorsen.

All in favor. 5-0.

Arnold Jensen makes motion to approve minutes from September, 22, 2015 meeting.

2nd the motion-Bill Oliver.

All in favor. 5-0.

PUBLIC PRIVILEGE: None.

BOARD PRIVILEGE:

Bill Oliver stated he has concerns that neighbors, etc... are not being notified/informed in ample time to respond to variance requests.

Tom Thorsen stated that there would be lots of big trees coming down for this variance and could result in neighboring concerns.

John MacMillen asked if there was any letters received complaining of this time constraint? The answer was no.

It was decided that if Walter Tennyson (Zoning Administrator) has reviewed paperwork and it seems complete then meeting should be scheduled right away. If paperwork is incomplete then that would be different.

Craig Leggett mentioned that 4 credits per calendar year are required as part of the ZBA for Board Members. There are classes offered April 13 and 14 in Lake Placid if anyone is interested. Must be approved by Town Board.

ADJOURNMENT:

Arnold Jensen made a motion to adjourn the meeting at 8:05pm.

2nd the motion-John MacMillen.

All in favor. 5-0.

Respectfully submitted,

Brandi Bessette
Secretary
Zoning Board of Appeals