



**MINUTES OF MEETING
ZONING BOARD OF APPEALS
TOWN OF CHESTER
JULY 28, 2015**

The meeting was called to order by Chairman Grady at 7:04 p.m.

ATTENDANCE:

Chairperson John Grady, Mary Jane Dower, Arnold Jensen, Walter J. Tennyson (Zoning Administrator), and Jeremy J. Little (Secretary). Absent were Bill Oliver and John MacMillen.

PUBLIC HEARING:

#420-V – The North Warren Chamber of Commerce is requesting a 5.79 square ft. variance and 3.56 square ft. variance, according to Section 7.04(E)(6) of the Town of Chester Zoning Local Law, in order to construct an illuminated sign to display community events. Property is located at 3-23 Dynamite Hill Road owned by the Town of Chester, identified by Tax Map Parcel #: 87.-1-5, in Zone Classification Moderate Intensity.

Having been duly advertised, the public hearing for Application **#420-V** was opened by Chairman Grady at 7:08 p.m.

Fred Holman was present to represent the application. Mr. Holman requested to the Board he would like to postpone the public hearing to the next ZBA meeting due to the fact there were only three Board members present—all would have to vote in the positive to approve the proposal. He stated if there was one negative vote from a member, the variance requests would be denied; therefore, not allowing for the approval of the sign.

Mr. Jensen made a motion to adjourn the public hearing concerning Application **#420-V** at 7:16 p.m. and reconvene at the ZBA special meeting on August 6th at 7 p.m.; motion seconded by Mrs. Dower. Motion carried 3-0.

BOARD PRIVILEGE:

Chairman Grady discussed the special meeting with a scheduled public hearing for August 6th at 7 p.m. The special hearing is scheduled for Dollar General. Chairman Grady questioned the Secretary if this application has been deemed as complete by the Zoning Administrator and Assistant. The Secretary confirmed that it has been deemed as complete; therefore, it was referred to the Warren County Planning Department for recommendation. Chairman Grady mentioned that there are a number of sign variances for the two proposed signs by Dollar General, which are both illuminated and he also stated that the signs are larger than the Zoning Local Law allows.

Chairman Grady read the letter to the Board from Mark J. Kennedy, Regional Traffic Engineer for New York State Department of Transportation. The letter was written regarding the Dollar General with NYSDOT conceptually approving of the location and layout of the proposed driveway on Route 8, pending approval by the Town (*Secretary Note: Please see file for Application #421-V for letter*).

Chairman Grady discussed his opinion on the philosophy of the Board. He stated that he feels the purpose of the ZBA is to deal with unique and unusual circumstances and not to allow/approve the same types of variances. (***Please see Minutes from ZBA Special Meeting on August 06, 2015 for emendatory statement by Chairman Grady.***) Discussion ensued regarding Mr. Grady's opinion.

There was discussion between the Board members about non-conforming lots that would require a variance(s) for certain projects not able to maintain the current required setbacks.

The Board discussed possible amendments and additions to the Zoning Local Law. Mrs. Dower mentioned that Al Muench from the Planning Board was at the Town Board meeting on July 14th requesting a possible gathering of the Planning Board, ZBA, and Town Board to discuss changes that might be needed in the Zoning Local Law.

MINUTES:

In reference to the Dollar General variance request at the previous meeting, Mr. Grady stated:

“At the time that we addressed the parking issue, the Plan that was presented to us was in error and it showed a 9 ft. width. And that was discovered at the last minute and was addressed during the hearing with Dave House. We offered him an opportunity to go for an additional variance from the 10 ft. required to 9 ft. and he declined. That whole issue just plain goes away. So the remaining issue that we did deal with and that we granted was a variance in the number of parking spaces which we approved, and he has corrected and clarified on the plans specifically the one that we just referred to of July 9th. As of July 9th which is the current plan, the parking spaces have clearly been designated as 10 ft. wide in connection with some changes concerning the entrance to the highway...”

The following paragraph was inserted by the Secretary prior to the ZBA meeting held on July 28th on *Page One, Section: Public Hearing, Paragraph 3:*

Chairman Grady pointed out that the nine (9) ft. wide parking spaces do not conform to the ten (10) ft. wide parking spaces as required by Section 7.06 of the Zoning Local Law and asked if the applicant would like to apply for an additional variance. Mr. House respectfully declined.

On a motion made by Mrs. Dower, seconded by Mr. Jensen, the Minutes of the Zoning Board of Appeals meeting held on June 23, 2015 were accepted, as amended. None opposed; motion carried 3-0.

CORRESPONDENCE:

Zoning Administrator & Sanitary Code Enforcement Officer's Activity Report for June 2015.

OLD BUSINESS: None.

ADJOURNMENT:

Mr. Jensen made a motion to adjourn the meeting at 7:56 p.m.; seconded by Mrs. Dower. None opposed. Motion carried 3-0.

Respectfully submitted,

Jeremy J. Little
Secretary
Zoning Board of Appeals