



**MINUTES OF MEETING
TOWN OF CHESTER ZONING BOARD OF APPEALS
Regular Meeting
June 22, 2022**

Vice-Chairman Michael Hough called the meeting to order at 7:01pm.

ATTENDANCE:

Vice Chairman Michael Hough, Jim Batsford, Mary Clark, Jack D. Bartlett (Secretary), Jeremy J. Little (Zoning Administrator) (Via Zoom), Allisa Blanchard (Zoning Assistant) (Via Zoom). Absent were Chairwoman Barbara Kearney, Victor Greco, and Bryan Bilfield (Alternate).

Vice-Chairman Hough 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

#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. ****PUBLIC HEARING remained opened from 12/28/2021 ZBA Meeting.****

Not Present.

NEW BUSINESS:

#516-V: Jeffrey and Kelly Stallmer are requesting a 5 ft. left side yard setback variance, according to Section 4.03 of the Town of Chester Zoning Local Law, in order to construct a shed dormer addition to the existing single-family dwelling. Property is located at 99 Marina Road, identified by Tax Map Parcel #: 86.9-1-9, in Zoning District Moderate Intensity.

Kelly Stallmer was present at the meeting and explained their request for a variance. The Applicant stated that they have an A-Frame Home and are looking to construct a dormer to give more space both physically and for headspace. The addition of the dormer will match the wall and roofline of the existing. The neighbors have been supportive of the project.

Having been duly advertised, Vice Chairman Hough opened the Public Hearing at 7:05pm

No Comments were made during the Public Hearing.

A motion was made by Mary Clark, Seconded by Jim Batsford to close the Public Hearing at 7:06pm. A Roll Call Vote was called by Secretary Bartlett-

AYES: Hough, Clark, Batsford

NAYES: NONE

ABSTAIN: NONE

ABSENT: Kearney, Greco

Motion Carried 3-0.

Resolution for Variance Application #516-V was introduced by Mary Clark and Seconded by Jim Batsford.

**TOWN OF CHESTER
ZONING BOARD OF APPEALS**

RESOLUTION FOR VARIANCE APPLICATION #516-V

WHEREAS, Jeffrey and Kelly Stallmer (the “Applicant(s)”) are proposing to construct a shed dormer addition to the existing single-family dwelling on property located at 99 Marina Road, identified by Tax Map Parcel Number 86.9-1-9, in Zoning District Moderate Intensity (the “Project”) and have applied to the Town of Chester Zoning Board of Appeals

("ZBA") for a 5 ft. left side yard setback variance from requirements of Section 4.03 of the Town of Chester Zoning Local Law; and

WHEREAS, the ZBA has classified the project as a Type II Action, requiring no further review under SEQR; and

WHEREAS, the ZBA opened and held a properly-noticed Public Hearing on Variance Application #516-V on June 22, 2022 and closed the public hearing on June 22, 2022; and

WHEREAS, the ZBA has reviewed, considered and deliberated about the variance requested and the written and verbal comments received in connection with the variance application;

NOW, THEREFORE, BE IT

RESOLVED, that the ZBA hereby determines that the Application meets the requirements set forth in Section 4.03 of the Town of Chester Zoning Local Law for issuance of an area variance as further discussed below:

1. An undesirable change will not be produced in the character of the neighborhood nor be a detriment to nearby properties.
2. The benefit sought by the applicant cannot be achieved by some method feasible for the applicant to pursue, other than area variances.
3. The requested area variance is substantial.
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
5. The alleged difficulty is self-created, as variance(s) will be required for any improvements to the existing single-family dwelling due to the size of the lot.
6. The proposed variance is the minimum variance that is necessary and adequate to achieve the Applicant's goal and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
7. The benefit to the Applicant if the variance is granted would outweigh the potential detriment to the health, safety and welfare of the neighborhood or community.

FURTHER RESOLVED, that the ZBA therefore grants the requested area variance with no condition(s) imposed.

Duly adopted this 22nd day of June, 2022 by the following vote:

AYES: Vice Chairperson Michael Hough

Mary Clark

James Batsford

NOES: None.

ABSTAIN: None.

ABSENT: Chairperson Barbara Kearney

Victor Greco

Motion Carried 3-0.

#517-V: Christopher and Christin Mason are seeking relief from the .5 acres per principal building Intensity requirement of Section 4.03 of the Town of Chester Zoning Local Law where a minimum of one (1) acre is required for two (2) principal buildings on the same lot and .59 acres exists, in order to renovate an existing 33' x 36' barn to a one-bedroom single-family dwelling with sleeping loft and construct an 8' x 36' front porch addition. The property is currently improved with a single-family dwelling, located at 102 State Route 28N, identified by Tax Map Parcel #: 66.10-3-5, in Zoning District Hamlet.

Christopher Mason was present for the meeting. Mr. Mason stated that they had recently purchased the property and provided history of the property. There are issues with the current structure and would like to make the barn a usable space. He stated that the neighbors are supportive of the project.

Michael Hough asked Mr. Mason if he could purchase more property in order to meet the acreage requirements. Mr. Mason stated that nothing is available at this time; however, he really wants to beautify the property. The full septic plans have been submitted.

Having been duly advertised, Vice Chairman Hough opened the Public Hearing at 7:25pm.

No comments were made during the Public Hearing.

A motion was made by Jim Batsford, Seconded by Michael Hough to close the Public Hearing at 7:26pm. A Roll Call Vote was called by Secretary Bartlett-

AYES: Hough, Clark, Batsford

NAYES: NONE

ABSTAIN: NONE

ABSENT: Kearney, Greco

Motion Carried 3-0.

Resolution for Variance Application # 517-V was introduced by Jim Batsford, Seconded by Michael Hough:

**TOWN OF CHESTER
ZONING BOARD OF APPEALS**

RESOLUTION FOR VARIANCE APPLICATION #517-V

WHEREAS, Christopher and Christin Mason (the “Applicant(s)”) are proposing to renovate an existing 33’ x 36’ barn to a one-bedroom single-family dwelling with sleeping loft and construct an 8’ x 36’ front porch addition to the structure on property currently improved with an existing single-family dwelling located at 102 State Route 28N, identified by Tax Map Parcel Number 66.10-3-5, in Zoning District Hamlet (the “Project”) and have applied to the Town of Chester Zoning Board of Appeals (“ZBA”) for relief from the .5 acres per principal building (without municipal water supply) Intensity requirement of Section 4.03 of the Town of Chester Zoning Local Law where a minimum of one (1) acre is required for two (2) principal buildings on the same lot and .59 acres exists; and

WHEREAS, the ZBA has classified the project as a Type II Action, requiring no further review under SEQR; and

WHEREAS, as required by General Municipal Law Section 239-m, the Variance Application was referred to the Warren County Planning Department for its review and the County has determined that there was No County Impact; and

WHEREAS, the ZBA opened and held a properly-noticed Public Hearing on Variance Application #517-V on June 22, 2022 and closed the public hearing on June 22, 2022; and

WHEREAS, Site Plan Review approval by the Planning Board will be required for the Project; and

WHEREAS, the ZBA has reviewed, considered and deliberated about the variance requested and the written and verbal comments received in connection with the variance application;

NOW, THEREFORE, BE IT

RESOLVED, that the ZBA hereby determines that the Application meets the requirements set forth in Section 4.03 of the Town of Chester Zoning Local Law for issuance of an area variance as further discussed below:

1. An undesirable change will not be produced in the character of the neighborhood nor be a detriment to nearby properties.
2. The benefit sought by the applicant cannot be achieved by some method feasible for the applicant to pursue, other than area variances.
3. The requested area variance is substantial.
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
5. The alleged difficulty is self-created.
6. The proposed variance is the minimum variance that is necessary and adequate to achieve the Applicant's goal and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
7. The benefit to the Applicant if the variance is granted would outweigh the potential detriment to the health, safety and welfare of the neighborhood or community.

FURTHER RESOLVED, that the ZBA therefore grants the requested area variance with no condition(s) imposed.

Duly adopted this 22nd day of June, 2022 by the following vote:

AYES: Vice Chairperson Michael Hough
 Mary Clark

James Batsford

NOES: None.

ABSTAIN: None.

ABSENT: Chairperson Barbara Kearney
Victor Greco

Motion Carried 3-0.

#518-V: David E. Brownell is requesting a 5'-10" front yard setback variance, according to Section 4.03 of the Town of Chester Zoning Local Law, in order to replace a 6' x 26' deck that was removed due to ice storm damage with an 8' x 38' deck with a 6' x 8' landing and stairs to the existing single-family dwelling. Property is located at 503 Chester Shores Path, identified by Tax Map Parcel #: 86.18-1-74, in Zoning District Moderate Intensity.

David Brownell was present at the meeting. He stated that during an ice storm, his existing deck was damaged. The deck had also been built in the 1970's and did not meet the Zoning code. The deck has been removed. The proposed deck will go up and meet the screened in deck.

The Board discussed possible alternatives.

Having been duly advertised, Vice Chairman Hough opened the Public Hearing at 7:41pm.

No comments were made during the Public Hearing.

A motion was made by Mary Clark, Seconded by Jim Batsford to close the Public Hearing at 7:42pm. A Roll Call Vote was called by Secretary Bartlett-

AYES: Hough, Clark, Batsford

NAYES: NONE

ABSTAIN: NONE

ABSENT: Kearney, Greco

Motion Carried 3-0.

Resolution for Variance Application #518-V was introduced by Mary Clark, Seconded by Michael Hough:

**TOWN OF CHESTER
ZONING BOARD OF APPEALS**

RESOLUTION FOR VARIANCE APPLICATION #518-V

WHEREAS, David E. Brownell (the “Applicant(s)”) is proposing to replace a 6’ x 26’ deck that was removed due to ice storm damage with an 8’ x 38’ deck with a 6’ x 8’ landing and stairs to the existing single-family dwelling on property located at 503 Chester Shores Path, identified by Tax Map Parcel Number 86.18-1-74, in Zoning District Moderate Intensity (the “Project”) and have applied to the Town of Chester Zoning Board of Appeals (“ZBA”) for a 5’-10” front yard setback variance from requirements of Section 4.03 of the Town of Chester Zoning Local Law; and

WHEREAS, the ZBA has classified the project as a Type II Action, requiring no further review under SEQR; and

WHEREAS, as required by General Municipal Law Section 239-m, the Variance Application was referred to the Warren County Planning Department for its review and the County has determined that there was No County Impact; and

WHEREAS, the ZBA opened and held a properly-noticed Public Hearing on Variance Application #518-V on June 22, 2022 and closed the public hearing on June 22, 2022; and

WHEREAS, the ZBA has reviewed, considered and deliberated about the variance requested and the written and verbal comments received in connection with the variance application;

NOW, THEREFORE, BE IT

RESOLVED, that the ZBA hereby determines that the Application meets the requirements set forth in Section 4.03 of the Town of Chester Zoning Local Law for issuance of an area variance as further discussed below:

1. An undesirable change will not be produced in the character of the neighborhood nor be a detriment to nearby properties.
2. The benefit sought by the applicant cannot be achieved by some method feasible for the applicant to pursue, other than area variances.
3. The requested area variance is substantial.
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

5. The alleged difficulty is self-created.
6. The proposed variance is the minimum variance that is necessary and adequate to achieve the Applicant's goal and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
7. The benefit to the Applicant if the variance is granted would outweigh the potential detriment to the health, safety and welfare of the neighborhood or community.

FURTHER RESOLVED, that the ZBA therefore grants the requested area variance with no conditions imposed.

Duly adopted this 22nd day of June, 2022 by the following vote:

AYES: Vice Chairperson Michael Hough

Mary Clark

James Batsford

NOES: None.

ABSTAIN: None.

ABSENT: Chairperson Barbara Kearney

Victor Greco

The motion carried 3-0.

#519-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 221.7 square ft. freestanding sign (after-the-fact) for the Word of Life Bible Institute. 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 as well as Eric Messer with Word of Life was present at the meeting. The Applicants are looking for an after-the-fact approval for the sign in front of the campus. The Board discussed alternatives including but not limited to the removal of the sign from the front of the campus, in which the Applicant stated that the landscaping wall and the houses of the sign would remain.

Mr. Messner stated that the landscaping wall was created in 2019 with the intention of creating a sign for Word of Life. They were not aware at the time that the sign would require approval.

Michael Hough asked the Applicant what their intent would be if the sign is not approved. The Applicant stated that they would have to create a sign that is a totally different structure.

The Board declared that the application is an Unlisted Action subject to SEQR.

Having been duly advertised, Vice Chairman Hough opened the Public Hearing at 8:10pm.

No comments were made during the Public Hearing.

The Public Hearing remains open.

Resolution for Lead Agency Status was introduced by Michael Hough, Seconded by Mary Clark:

Town of Chester Zoning Board of Appeals

RESOLUTION – Declaring Intent to Be Lead Agency for SEQRA Review in connection with Variance Application #519-V

WHEREAS, Word of Life Fellowship, Inc. (the “Applicant”) proposes installation of a 221.7 sq. ft. freestanding sign (after-the-fact) for the Word of Life Bible Institute on property located at 8072 State Route 9, identified by Tax Map Number 36.-1-20; and

WHEREAS, the Zoning Board of Appeals of the Town of Chester has determined to begin an environmental review process under the State Environmental Quality Review Act (hereinafter “SEQRA”); and

WHEREAS, the Zoning Board of Appeals of the Town of Chester has determined the project to be an Unlisted action for purposes of SEQRA review pursuant to 6 NYCRR 617; and

WHEREAS, the Zoning Board of Appeals determines that it is the most appropriate agency to insure the coordination of this Action and will provide written notifications to all interested and involved agencies, for the purposes of conducting a coordinated review and making the determination of significance pursuant to the SEQRA regulations;

NOW, THEREFORE BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of Chester does hereby declare its intent to be Lead Agency for SEQRA review of this Action and authorizes and directs the Zoning Administrator to notify any other potentially involved agencies of such intent. The Variance Application, including Part I of the Short Environmental Assessment Form, the property deed, and plans will be sent to the following agencies: Adirondack Park Agency.

MOTION TO DECLARE THE ZONING BOARD OF APPEALS OF THE TOWN OF CHESTER'S INTENT TO BE LEAD AGENCY IN CONNECTION WITH VARIANCE APPLICATION #519-V, WORD OF LIFE FELLOWSHIP, INC., Introduced by Vice Chairperson Michael Hough who moved for its adoption, seconded by Mary Clark:

Duly adopted this 22nd day of June, 2022 by the following vote:

AYES: Vice Chairperson Michael Hough
Mary Clark
James Batsford

NOES: None.
ABSTAIN: None.

ABSENT: Chairperson Barbara Kearney
Victor Greco

The motion was carried 3-0.

MINUTES:

A motion was made by Jim Batsford, Seconded by Mary Clark to approve the May 25, 2022 Minutes of the Zoning Board of Appeals. A Roll Call Vote was called by Secretary Bartlett-

AYES: Hough, Clark, Batsford
NAYES: NONE
ABSTAIN: NONE
ABSENT: Kearney, Greco

Motion Carried 3-0.

CORRESPONDENCE:

- Zoning Administrator's Activity Report for May 2022;
- Warren County Planning Department Project Review and Referral Form, reviewed by Department on June 09, 2022 for #517-V, #518-V and #519-V. Forms received by the Zoning Office on June 10, 2022.

PUBLIC PRIVILEGE: None

BOARD PRIVILEGE:

Zoning Administrator Little reported that there are mileage reimbursements available to the Board Members when going around reviewing projects.

ADJOURNMENT:

A motion was made by Jim Batsford, seconded by Michael Hough to adjourn the meeting at 8:22pm.

AYES: Hough, Clark, Batsford

NAYES: NONE

ABSTAIN: NONE

ABSENT: Kearney, Greco

Motion Carried 3-0.

Respectfully submitted,

Jack D. Bartlett
Secretary
Zoning Board of Appeals