



**MINUTES OF MEETING  
ZONING BOARD OF APPEALS  
TOWN OF CHESTER  
JUNE 27, 2017**

The meeting was called to order by John MacMillan (acting chair in Mary Jane's absence) at 7:00PM.

**ATTENDANCE:**

Acting Chairperson John MacMillan, Bill Oliver, Arnold Jensen, Bob Walp (alternate) and Tom Thorsen. Also, in attendance was Walt Tennyson (Zoning Administrator), Rand Fosdick, Nanci Welch, Louise & Jerry Sullet, Reggie Wydrankowski, Edna Wells, Lynda Albright and Garry Robinson (representing Joseph Leonard, Jr.).

**PUBLIC HEARING:**

John MacMillan opened public hearing at 7:01PM.

**#438-V:** Joseph Leonard, Jr is requesting a 48 ft. frontline setback variance and a 38 ft. backline setback variance, according to Section 4.03 of the Town of Chester Zoning Local Law, in order to replace existing home with a new two- story single family dwelling. Property is located at 24 Atateka Lane, identified by Tax Map Parcel #: 120.11-1-28, in Zone Classification Moderate Intensity. Garry Robinson, PE will also be present to represent the applicant.

Garry Robinson presented a survey site plan showing the location of existing house and new house as well as the property lines etc...He stated house has almost same footprint as existing house but will be slightly turned requiring an extra foot added to original variance. This home will be two-story. They have been in front of the Town Board with a hearing scheduled for next July 11 meeting for new septic. They also are proposing a new well out front. They are looking to change setback and is along a private road. The porch faces the lake and the house is really 1.5 stories.

John MacMillan stated the zoning board has no bearing on the well to septic and visa versa. We are here to grant or deny variance for building structure.

Garry stated that the flood plan for that area is tough so the home would have to be higher. No higher than the neighboring homes. That is why they do not want to renovate existing structure.

A woman in audience believed to be Edna Wells asked what the total height of the structure would be? Garry stated it would be 28 ft tall from ground level. The plan was to put in fill and raise the home about 4 ft. There is no basement just a crawl space. The structure will be 1 ft closer to beach.

Joseph Leonard Jr stated the existing structure is 24 x45. The new home would be 24 X46.

Bill Oliver asked how much higher will it be?

Garry answered 4 ft. Total height from ground is 28 and they are allowed 39.

John MacMillan stated he agreed with that. Garry also agreed the home could be moved more parallel to property line and no variance would be needed. The length of the home is no issue according to John MacMillan.

Arnold Jensen stated if we change the print significantly they essentially would have to start over and ask for full variance.

Tom Thorsen stated it is 1 foot closer to the lake? Garry stated yes it is. The house is 1 ft longer.

Garry stated they are 51.9 (confirmed by Joseph Leonard Jr) away from the waterfront. The requirement is 50. He also stated that they are asking for more than most likely needed but did not want to end up being 3 inches over in the end. The print is just a preliminary to get approvals and then a more precise print would be produced.

Garry stated even if home is put on exact same footprint a variance is still needed as they are extending home 1 ft.

Tom Thorsen stated they would not go beyond the 1 foot mark if anything it would be less? Garry agreed. They just don't want to end up short in the end so they are asking for 1 ft.

John MacMillan stated as the zoning board one of the criteria is are there any other feasible means to achieve goal? He also stated that if the structure was turned a bit more it would eliminate the need for the extra 1 ft overhang variance.

Arnold Jensen stated a variance is needed because of the slight change. He also stated that the paperwork seemed a little inaccurate as it is asking for the total variance when all but the extra foot has already been approved.

Walt Tennyson confirmed that a variance is needed if structure is not built on exact same footprint.

A lady in the audience believed to be Edna wells asked to see existing footprint to compare to new footprint. Garry showed comparison and there was not much visible difference between them.

John MacMillan asked about the home being more handicap accessible?

Garry stated the applicant has a handicap son and yes they are making the areas in the home larger and wider to accommodate wheelchair but would not need to add a ramp outside. They can get him in the house. If one was deemed necessary at a later date they would have room to add that and be within setback.

John MacMillan stated that the location where the stairs will go has to have a 3x3 landing. It can't just descend down the stairs directly outside the door.

Tom Thorsen asked if the right side would be facing the water? Garry stated yes. He also asked if a vehicle could enter that side? Garry said yes the driveway is there.

Arnold Jensen mentioned some kind of stantion on the one side. That is just to keep unwanted boaters from launching which Joseph said they can remove it. Arnold Jensen also stated that they have to build it there not many other options.

Tom Thorsen asked if the new septic will improve the quality of the water? Somewhere in the papers it mentioned it. He also stated that means to him that there could be an issue with water quality?

Garry stated he does not know if that is true. That is not his area of expertise. There is a small stream near property. He explains the existing system has perforated pipes and lay in ground water or did at the time he was there in the spring conducting PERC tests. This is part of the reason why it is all getting raised 4 ft. to try to eliminate that.

Same lady in audience believed to be Edna Wells asked so are you moving it or going with it as is?

Garry answered no it will be as is shown on print.

Garry stated the trench system depends on the dirt laid underneath and that will provide more treatment and can be discharged to ground. It is so clean at that point they could discharge it to the lake.

The audience attendee believed to be Edna Wells asked how close the septic is to the stream? Garry responded approximately 20 ft. The drainage end is further than that as the stream bends away from location.

John MacMillan clarifies that we are here for the area variance not the septic system.

John MacMillan asked if there was any more questions from the audience or the board?

Arnold Jensen asked if we had any letters from neighbors etc... Brandi Bessette (secretary to ZBA) stated no we do not.

Audience attendee believed to be Edna Wells asked if it was going to be cement? Garry responded that it would be a slab with concrete walls (crawl space) and wood flooring.

Edna Wells stated that the beach area is always wet so how can they have a foundation in that?

John MacMillan stated that is why they are going with a crawl space vs. a full foundation.

Garry stated that is why everything is getting lifted 4 ft.

Tom Thorsen stated that floor of the crawl space would be at ground level. Garry confirmed that it is very close to that.

Arnold Jensen made motion to close hearing at 7:35PM. Seconded by Bill Oliver. All in favor. 5-0.

**Area Variance Criteria-**

1. Can benefit be achieved by other means? No.
2. Is it a detriment to nearby properties or an undesirable change in neighborhood? No.
3. Is the request substantial? Yes.
4. Physical or environmental effects to neighborhood? No.
5. Is difficulty self-created? Yes.

Bill Oliver made motion to “classify this project (Application #438-V) as a Type II action which does not require further review under SEQRA and to declare a negative declaration due to the project having no significant impact on the environment”.  
Seconded by Arnold Jensen. All in favor. 5-0.

Arnold Jensen made motion to approve Application #438-V for Joseph Leonard Jr.  
Seconded by Bob Walp. All in favor. 5-0.

**CORRESPONDENCE:** Zoning Administrator and Sanitary Code Enforcement Officers Activity report for Feb, March, April and May 2017..

**NEW BUSINESS:** None.

**OLD BUSINESS:** None.

**MINUTES:** Tom Thorsen made motion to approve minutes from February 28, 2017.  
Seconded by Arnold Jensen. All in favor. 5-0.

**PUBLIC PRIVILEGE:** None.

**BOARD PRIVILEGE:** None.

**ADJOURNMENT:** Arnold Jensen made motion to close meeting at 7:45PM. Seconded by Bob Walp. All in favor. 5-0.

Respectfully submitted,

Brandi Bessette  
Secretary  
Zoning Board of Appeals