



**MINUTES OF MEETING  
TOWN OF CHESTER ZONING BOARD OF APPEALS  
Regular Meeting  
May 25, 2021**

Chairman John MacMillen called the meeting to order at 7:00 p.m.

**ATTENDANCE:**

Chairman John MacMillen, Barbara Kearney (Via Zoom), Mary Clark, Michael Hough, Arnold Jensen, Jack D. Bartlett (Secretary), and Jeremy Little (Zoning Administrator) (Via Zoom).

**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.

A request to table till the June Meeting was received from the attorney if the applicant.

**NEW BUSINESS AND PUBLIC HEARINGS:**

**#499-V:** Randall and Karen Ryan are requesting an 18 ft. front yard setback variance, according to Section 4.03 of the Town of Chester Zoning Local Law, in order to construct a 30' x 24' Two-Bay Garage with an attached 12' x 30' Car Port. Property is located at 316 Perry Rd., identified by Tax Map Parcel #: 51.-1-16, in Zoning District Rural Use.

Randall Ryan was present at the meeting. He stated that they are looking to improve the property to relocate to the area following retirement. He would like to add a garage due to the environment of the property. Alternatives for the garage are not present due to the future developments he would like to make to the property.

Mr. Jensen stated he believes that there are alternatives. Chairman MacMillen stated that he believes that the location will not affect neighboring properties. The applicant stated that the building will be an all metal structure on a slab. A discussion on alternative locations took place. Mr. Ryan agreed to move the proposed garage so that it is 15 ft. parallel to the existing shed

and 90 ft. from the front yard instead of 82 ft., as originally applied for. This change reduces the variance request from 18 ft. to 10 ft.

Having been duly advertised, Chairman MacMillen opened the Public Hearing at 7:20pm.

No comments were made during the Public Hearing.

A motion to close the Public Hearing at 7:21pm by Micheal Hough, Seconded by Barbara Kearney. A Roll Call Vote was called by Secretary Bartlett-

Chairman MacMillen- Yes, Mr. Jensen- Yes, Mr. Hough- Yes, Ms. Clark- Yes, Ms. Kearney- Yes. The motion was carried 5-0.

Arnold Jensen introduced the following Resolution for Variance Application #499-V, which was seconded by Michael Hough-

**WHEREAS**, Randall and Karen Ryan (the “Applicant(s)”) are proposing to construct a 30’ x 24’ Two-Bay Garage with an attached 12’ x 30’ Car Port on property located at 316 Perry Road, identified by Tax Map Parcel Number 51.-1-16, in Zoning District Rural Use (the “Project”) and have applied to the Town of Chester Zoning Board of Appeals (“ZBA”) for a 10 foot front yard setback variance from requirements of Section 4.03 of the Town of Chester Zoning Local Law; and,

**WHEREAS**, the ZBA opened and held a properly-noticed Public Hearing on Variance Application #499-V on May 25, 2021 and closed the public hearing on May 25, 2021; and,

**WHEREAS**, the ZBA has classified the project as a Type II action, requiring no further review under SEQR; 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 or be a detriment to nearby properties.
2. The benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than area variances.
3. The requested area variance is not substantial.
4. The proposed variance(s) 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.

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

Duly adopted this 25th day of May, 2021 by the following vote:

AYES: Chairman John MacMillen  
Arnold Jensen  
Michael Hough  
Barbara Kearney  
Mary Clark

NOES: None.

**#500-V:** Mary Rohde is requesting an area variance for the installation of a second dock (3' x 40') on an existing contractual access lot consisting of 125 ft. of shoreline where 75 ft. of shoreline is required per dock (150 ft. total required for two docks), according to Section 7.03(B)(5) of the Town of Chester Zoning Local Law. The purpose for the installation of the second dock is to accommodate additional boats for backlot property owners. Property is located at 136 Jones Rd., identified by Tax Map Parcel #: 86.10-1-49.2, in Zoning District Moderate Intensity.

Chairman MacMillen stated for the record that Variance #500-V had been withdrawn by the applicant.

#### **MINUTES:**

A motion was made by Mary Clark, Seconded by Barbara Kearney to approve the April 27, 2021 Minutes of the Zoning Board of Appeals. A Roll Call Vote was called by Secretary Bartlett-

Chairman MacMillen- Yes, Mr. Jensen- Yes, Ms. Clark- Yes, Mr. Hough- Yes, Ms. Kearney- Yes, the motion carried 5-0.

#### **CORRESPONDENCE:**

- Zoning Administrator's Activity Report for April 2021;
- Letter from Stefanie DiLallo Bitter dated May 14, 2021 and received by the Zoning Office on May 14, 2021 RE: C. Thomas Luciano and Darlene Luciano (Variance #498-V);
- Last Revised 5/25/2021 10:07 AM E-mail from Linda Saunders dated May 18, 2021 and received by the Zoning Office on May 19, 2021 RE: #500- V (Rohde);
- E-mail from Kevin and Susan Roach dated May 18, 2021 and received by the Zoning Office on May 19, 2021 RE #500-V (Rohde);
- E-mail from Mary Anne Walker dated May 19, 2021 and received by the Zoning Office on May 19, 2021 RE: #500-V (Rohde);
- Letter from Chris Devaney dated May 18, 2021 and received by the Zoning Office via e-mail on May 19, 2021 RE: #500-V (Rohde);

- E-mail from Donna Broker dated May 19, 2021 and received by the Zoning Office on May 19, 2021 RE: #500-V (Rohde);
- Letter from Joan Saunders Little and Jean Beadle dated May 19, 2021 and received by the Zoning Office via email on May 20, 2021 RE #500-V (Rohde);
- E-mail from Sandra Fajans dated May 19, 2021 and received by the Zoning Office on May 20, 2021 RE #500-V (Rohde);
- E-mail from Kevin Roach dated May 20, 2021 with attachment and received by the Zoning Office on May 20, 2021 RE #500-V (Rohde);
- E-mail from Thomas Gagnon dated May 20, 2021 and received by the Zoning Office on May 20, 2021 RE #500- V (Rohde);
- E-mail from Richard Ellis dated May 20, 2021 and received by the Zoning Office on May 20, 2021 RE #500-V (Rohde);
- E-mail from Karen Linn dated May 21, 2021 and received by the Zoning Office on May 21, 2021 RE #500-V (Rohde).

**PUBLIC PRIVILEGE:** None.

**BOARD PRIVILEGE:**

Barbara Kearney stated that Zoning Administrator Little had been very busy.

**ADJOURNMENT:**

A motion was made by Mary Clark, seconded by Arnold Jensen to adjourn the meeting at 7:27pm. A Roll Call Vote was called by Secretary Bartlett-

Chairman MacMillen- Yes, Mr. Jensen- Yes, Ms. Clark- Yes, Mr. Hough- Yes, Ms. Kearney- Yes, the motion carried 5-0.

Respectfully submitted,

Jack D. Bartlett  
Secretary  
Zoning Board of Appeals