



**MINUTES OF MEETING
TOWN OF CHESTER ZONING BOARD OF APPEALS
Regular Meeting
November 23, 2021**

Chairwoman Barbara Kearney called the meeting to order at 7:00pm.

ATTENDANCE:

Chairwoman Barbara Kearney, Vice-Chair Michael Hough, Victor Greco (Via Zoom), Jim Batsford, Jack D. Bartlett (Secretary), and Jeremy J. Little (Zoning Administrator) (Via Zoom). Absent was Mary Clark.

Chairwoman Kearney 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.

#505-V: Gary and Roseanne Sondermeyer are requesting a 60 ft. front yard setback variance, 13 ft. left side yard setback variance, and an 11 ft. right side yard setback variance, according to Section 4.03 of the Zoning Local Law, in order to construct a 19' x 7' x 2' retaining wall for erosion control and better use of property. Property is located at Atateka Drive, identified by Tax Map Parcel #: 120.15-1-14, in Zoning District Moderate Intensity.

Gary Sondermeyer was present at the meeting. He purchased the property 2 years ago and there was a detached property with the original property. Property is eroded and he stated you are unable to normally sit on the property. He is looking to use 6x6 treated lumber to make a retaining wall and erosion control is planned. He would like a foot lift to the sand and no pavers. The water level in the owner's history has not reached the level of the proposed.

Michael Hough asked if the Applicant planned to divert natural runoff. The Applicant stated that the contractor felt that it was a relatively small property and runoff would be minimal. Mir. Hough asked if the Adirondack Park Agency or County Highway Departments should be consulted. The Zoning Administrator stated that the APA would most likely find the project to be non-jurisdictional but the Board could recommend that the Applicant consult both entities.

Victor Greco asked what would be used for soil? The Applicant stated that it would be naturally occurring soil.

Having been duly advertised, Chairwoman Kearney opened the Public Hearing at 7:12pm.

No comments were made during the Public Hearing

A motion to close the Public Hearing at 7:14pm by Michael Hough, Seconded by Jim Batsford. A Roll Call Vote was called by Secretary Bartlett-

AYES: Kearney, Hough, Greco, Batsford

NAYES: NONE

ABSTAIN: NONE

ABSENT: Clark

The motion carried 4-0.

Correspondence was received from the neighbors in favor of the project.

Resolution for Variance Application #505-V was introduced by Jim Batsford, Seconded by Michael Hough:

TOWN OF CHESTER

ZONING BOARD OF APPEALS

RESOLUTION FOR VARIANCE APPLICATION #505-V

WHEREAS, Gary and Roseanne Sondermeyer (the "Applicants") are proposing to construct a 19' x 7' x 2' retaining wall for erosion control and better use of the property on property located at Atateka Drive, identified by Tax Map Parcel Number 120.15-1-14, in Zoning District Moderate Intensity (the "Project") and have applied to the Town of Chester Zoning Board of Appeals ("ZBA") for a 60 ft. front yard setback variance, 13 ft. left side yard setback variance, and an 11 ft. right 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, 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 #505-V on November 23, 2021 and closed the public hearing on November 23, 2021; and,

WHEREAS, the ZBA has reviewed, considered and deliberated about the variances 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. When the retaining wall has been constructed and has a graded surface, it will be level with the neighboring properties.
2. The benefit sought by the Applicant cannot be achieved by some method feasible for the Applicant to pursue, other than area variances. Being that close to the water and that it is a 25 ft. wide lot.
3. The requested area variances are substantial. The Board agreed that any variance requested for this property will be substantial.
4. The proposed variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. No pressure treated lumber will be in contact with the lake water and the Applicant will contact the Warren County Highway Department regarding the project.
5. The alleged difficulty is self-created, as the Applicant purchased a non-conforming lot.

FURTHER RESOLVED, that the ZBA therefore grants the requested area variances subject to the following conditions:

- A. The Applicant is to contact the Warren County Highway Department; and,
- B. The Applicant is to be mindful of the lake water and how it relates to the pressure treated lumber.

Duly adopted this 23rd day of November, 2021 by the following vote:

AYES: Chairperson Barbara Kearney

Michael Hough

James Batsford

Victor Greco

NOES: None.

ABSTAIN: None.

ABSENT: Mary Clark

#508-V: Kathi DeClerk, Robert Devlin, and Deborah Devlin are requesting a 49.7 ft. front yard setback variance from Woodcliff Acres Rd., 10.1 ft. front yard setback variance from Boulder Drive, and a 2.7 ft. side yard setback variance, according to Section 4.03 of the Town of Chester Zoning Local Law, in order to renovate the existing one-bedroom Single Family Dwelling with a loft (904 sq. ft. of living area) and construct a new addition to the existing single family dwelling. The addition will consist of a new bedroom with master bathroom, living room, laundry, and loft (to be used only as an office), 120 sq. ft. screened porch and 312 sq. ft. deck (Total 1,626 sq. ft. living area). Property is located at 38 Woodcliff Acres Road, identified by Tax Map Parcel #: 120.6-2-17, in Zoning District Moderate Intensity.

Deborah Devlin was present at the meeting via Zoom. She presented that the information in the Variance Request listing was what was being requested. Her family is looking to retire and make this their primary residence.

Chairwoman Kearney stated that the property was not staked out. The Applicant stated that there were tags on the property showing the layout. The Chairwoman asked if the retaining wall would be part of the plot plan, the Applicant responded yes. The Chairwoman asked if the driveway on the rear of the lot would remain, the Applicant stated that they had not decided yet. The Chairwoman asked if the existing well would remain and if it would the absorption field that is less than 100 feet from the well remain as this is usually not allowed. The Applicant stated that all the information was correct and the well would be remaining. A discussion ensued regarding possibilities to avoid the side yard setback variance with minor design/layout changes. The Chairwoman stated that the Board would like the Applicant to request the least amount of variances possible.

The Zoning Administrator advised the Board that the leach field would be pre-existing and the proposed pump station and septic tank would be conforming. There is a submitted letter from Winchip Engineering regarding the Wastewater Treatment System.

Victor Greco asked if the loft remaining would be an office and not an added bedroom. The Applicant stated that that is their intention. The secretary advised the Board that they could make that a condition of approval.

Having been duly advertised, Chairwoman Kearney opened the Public Hearing at 7:41pm

Cynthia Brown (the neighbor closest to the property line) is concerned with the following-

- increased traffic and noise that will be directed towards her property
- The conversation of relocation of the stairs on the property
- The noise from the proposed screened in porch
- The location of the porch near her residence
- The very little privacy between the properties
- Would like to see screening between the two properties
- Excavation of the basement in regards to water flow and the potential for blasting
- Water Flow and runoff ruining her septic system
- Drainage

The Zoning Administrator stated that they want to ensure that there is 50 feet from the proposed septic tank.

Erica Mitchell is concerned with the drainage management. The Applicant stated that they believed the drainage would be better because of the retaining wall and work on the roadway that is being proposed by the Association.

Cynthia Brown wants to ensure that the design is not negatively impacting their property. She stated that she is not opposed to the project and just has concerns.

Chairwoman Kearney stated that the Board had received a letter from Bruce Hiller in favor of the project. She is recommending to keep the public hearing open and allow the Applicant to respond to questions and comments from the Board on lowering the amount of variances and respond to the concerns from the neighbors.

Jim Batsford stated that he would like the property staked for the Board for the next meeting.

MINUTES:

A motion was made by Michael Hough, Seconded by Jim Batsford to approve the October 26, 2021 Minutes of the Zoning Board of Appeals. A Roll Call Vote was called by Secretary Bartlett-

AYES: Kearney, Hough, Greco, Batsford

NAYES: NONE

ABSTAIN: NONE

ABSENT: Clark

The motion carried 4-0.

CORRESPONDENCE:

- Zoning Administrator's Activity Report for October 2021;
- Letter from Bruce A. Hiller dated November 09, 2021 and received by the Zoning Office on November 10, 2021 RE: Application #508-V;
- E-mail from Peter Heonis dated November 10, 2021 and received by the Zoning Office on November 10, 2021 RE: Application #505-V; Warren County Planning Department Project

Review and Referral Form, reviewed by Department on November 09, 2021 for #505-V.
Form received by the Zoning Office on November 15, 2021.

- Letter from Dale Gleason and Dr. G. Kirk Gleason dated November 12, 2021 and received by the Zoning Office on November 16, 2021 RE: Application #505-V;
- E-mail from Susan Severn dated November 18, 2021 and received by the Zoning Office on November 18, 2021 RE: Application #505-V.

PUBLIC PRIVILEGE:

Hali Holmes had comments on the Devlin Variance. She thinks that it would be better for the Applicant to have more variances so that each party can be happy with the results of the property (in reference to the concerns of Cynthia Brown). She stated that she is in support of the project.

Carol Asiello had comments on the Devlin Variance. She would like to identify where parking would be located. There is no shared back driveway.

Cynthia Brown had comments on the Devlin Variance. The changes to the home would be an improvement. She is just concerned with the proximity to her home.

Secretary Bartlett asked the Zoning Administrator to forward a copy of the minutes to Ms. Devlin so that she was aware of the additional public comments after she departed the meeting as they had occurred in Public Privilege and not during the public hearing for her variance request.

BOARD PRIVILEGE:

None.

ADJOURNMENT:

A motion was made by Jim Batsford, seconded by Michael Hough to adjourn the meeting at 8:03pm. A Roll Call Vote was called by Secretary Bartlett-

AYES: Kearney, Hough, Greco, Batsford

NAYES: NONE

ABSTAIN: NONE

ABSENT: Clark

The motion carried 4-0.

Respectfully submitted,

Jack D. Bartlett
Secretary
Zoning Board of Appeals