



**MINUTES OF MEETING
TOWN OF CHESTER ZONING BOARD OF APPEALS
Regular Meeting
October 26, 2021**

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

ATTENDANCE:

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

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.

Chairwoman Barbara Kearney stated for the Record that she will be abstaining from Variance #503-V and turned the meeting over to Vice Chairperson Michael Hough at 7:02 p.m.

#503-V: James Mrazek (Agent: Haley Grygiel, Purchaser Under Contract) is requesting a 62'-2" front yard setback variance, 41'-4" rear yard setback variance, 13'-4" right side yard setback variance, 19'-11" left side yard setback variance, and variance from

Section 8.01(B) for minimum area requirements, according to Section 4.03 and 8.01 of the Town of Chester Zoning Local Law, in order to construct a 49' x 25' Two-Story Single Family Dwelling with a 12' x 33' deck and 33' x 8' porch. Property is located at Grove Street, identified by Tax Map Parcel #: 137.14-1-18.6, in Zoning District Rural Use.

Vice-Chairman Hough reminded the Public that the Public Hearing had been closed. He advised that the contour drawings had been submitted by the applicant. Haley Grygiel was present at the meeting. Jim Batsford stated that the slope of the property is closer to a 20%+ slope and will require Planning Board Approval. Mr. Batsford asked the Applicant how the builders would deal with the slope. The Applicant stated that the walk out basement would play a role and that she has not gone far in-depth with the excavator and has considered a possible retaining wall. Mr. Batsford stated that the driveway is 8 feet wide and asked if the driveway would affect tree removal. The Applicant stated that they would not need extra trees removed for the driveway. The driveway size was taken into consideration with the lot size. Mr. Batsford asked if the garage would be used only for lawn mowers and items of that nature because of the size. The Applicant stated that she has not thought that far ahead. She stated that the home was going to be built to be appealing to the neighborhood.

The Board discussed approval of the Variance.

Resolution #503-V was introduced by Mary Clark and seconded by Jim Batsford-

**TOWN OF CHESTER
ZONING BOARD OF APPEALS**

RESOLUTION FOR VARIANCE APPLICATION #503-V

WHEREAS, James Mrazek (the "Applicant(s)") is proposing to construct a 49' x 25' Two-Story Single Family Dwelling with a 12' x 33' deck and 33' x 8' porch on property located at Grove Street, identified by Tax Map Parcel Number 137.14-1-18.6, in Zoning District Rural Use (the "Project") and have applied to the Town of Chester Zoning Board of Appeals ("ZBA") for a 62'-2" front yard setback variance, 41'-4" rear yard setback variance, 13'-4" right side yard setback variance, 19'-11" left side yard setback variance, and variance from Section 8.01(B) for minimum area requirements from requirements of Section 4.03 and 8.01 of the Town of Chester Zoning Local Law; and,

WHEREAS, the Applicant has authorized Haley Grygiel, Purchaser under Contract, to act as Agent pertaining to the Project,

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

WHEREAS, the ZBA opened and held a properly-noticed Public Hearing on Variance Application #503-V on August 24, 2021 and closed the public hearing on September 28, 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 and 8.01 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, as the proposed dwelling will fit in with the existing dwellings of various styles and sizes in the neighborhood.
2. The benefit sought by the applicant cannot be achieved by some method feasible for the applicant to pursue, other than area variances. This is a non-conforming lot similar to the other lots in the neighborhood and realistically there are no alternatives for this particular lot that would be feasible without requesting variances.
3. The requested area variances are substantial. It does not appear that any of the existing single family dwellings in the area would currently meet the acreage requirement
4. The proposed variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, provided that the landscaping is completed properly, tree buffers are maintained between the neighboring properties, and responsible building takes place.

5. The alleged difficulty is self-created. With this being a non-conforming lot, whoever purchases the property will take it upon themselves to create a problem.

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

Duly adopted this 26th day of October, 2021 by the following vote:

AYES: Vice Chairperson Michael Hough
Mary Clark
James Batsford

NOES: None.

ABSTAIN: Chairperson Barbara Kearney
Victor Greco

ABSENT: None.

Chairwoman Barbara Kearney rejoined the meeting at 7:31pm and returned to Chairing the meeting.

NEW BUSINESS AND PUBLIC HEARINGS:

#506-V: Eric Schenone is requesting a 167.5 ft. front yard setback variance, 65.2 ft. left side yard setback variance, 23.1 ft right side yard setback variance, and a variance for 5.3% proposed lot coverage where 5% is maximum lot coverage allowed, according to Section 4.03 of the Town of Chester Zoning Local Law, in order to construct a 34'-0" x 45'-7" Three-Bedroom Single Family Dwelling with an attached rear porch and 12' x 12' screened porch, on-site septic wastewater treatment system, and water supply well. Single Family Dwelling will have a maximum of 2' overhangs on all sides. Property is located at Byrd Pond Road, identified by Tax Map Parcel #: 66.7-1-6.2, in Zoning District Resource Management.

Eric Schenone (Applicant) and Bret Winchip (Winchip Engineering) were present at the meeting. Mr. Winchip stated that the APA was not sure how the 3 properties were considered Resource Management. Mr. Winchip continued to explain the Applicant's requests for variances.

Jim Batsford asked about the elevation at ground level. Mr. Winchip stated that it would be a walk out basement and the house would be road level. Mr. Winchip continued stating that they had found good soil while conducting the test holes with the APA and had submitted the Soil Test Data from the APA.

Having been duly advertised, Chairwoman Kearney opened the Public Hearing at 7:40pm.

No comments were made during the Public Hearing.

A motion was made by Michael Hough, Seconded by Jim Batsford to close the Public Hearing at 7:41pm. A Roll Call Vote was called by Secretary Bartlett-

YES: Kearney, Hough, Clark, Greco, Batsford

NO: None

ABSTAINED: None

The motion was carried 5-0.

The applicant stated that they had not heard any opposition from the neighbors.

Resolution #506-V was introduced by Jim Batsford, Seconded by Michael Hough-

**TOWN OF CHESTER
ZONING BOARD OF APPEALS**

RESOLUTION FOR VARIANCE APPLICATION #506-V

WHEREAS, Eric Schenone (the "Applicant") is proposing to construct a 34'-0" x 45'-7" Three-Bedroom Single Family Dwelling with attached rear porch and 12' x 12' screened porch, on-site septic wastewater treatment system and water supply well on property located at Byrd Pond Road, identified by Tax Map Parcel Number 66.7-1-6.2, in Zoning District Resource Management (the "Project") and have applied to the Town of Chester Zoning Board of Appeals ("ZBA") for a 167.5 ft. front yard setback variance, 65.2 ft. left side yard setback variance, 23.1 ft right side yard setback variance, and a variance for 5.3% proposed lot coverage where 5% is maximum lot coverage allowed 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,

WHEREAS, the ZBA opened and held a properly-noticed Public Hearing on Variance Application #506-V on October 26, 2021 and closed the public hearing on October 26, 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. The proposed dwelling, as designed, is similar to the nearby properties, meaning that it is less than 200 ft. from the Road. The proposed dwelling fits in with the character of the neighborhood.
2. The benefit sought by the applicant cannot be achieved by some method feasible for the applicant to pursue, other than area variances. There is not much room on the lot and no buildable area to construct a single family dwelling on the property without requiring area variances.
3. The requested area variances are substantial.
4. The proposed variances 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 the Applicant would like to construct a dwelling on the property.

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

Duly adopted this 26th day of October, 2021 by the following vote:

AYES: Chairperson Barbara Kearney
Mary Clark
Michael Hough
James Batsford
Victor Greco

NOES: None.

ABSTAIN: None.

ABSENT: None.

#507-V: Michael and Susan Anderson are requesting a 44 ft. front yard setback variance and a 35 ft. left side yard setback variance, according to Section 4.03 of the Town of Chester Zoning Local Law, in order to Last Revised 10/21/2021 12:47 PM install and place a 10' x 12' storage shed. Property is located at Carl Turner Road, identified by Tax Map Parcel #: 87.12-1-11, in Zoning District Rural Use

Michael & Susan Anderson were present at the meeting. They explained that they were looking to place a storage shed on the rear of their property. They would like to place a telescope for observing at their home in Chester. The applicant stated that they own 3 lots in the area. The Adirondack Park Agency did not find any issues with the proposed project.

Having been duly advertised, Chairwoman Kearney opened the Public Hearing at 7:52pm.

No comments were made during the Public Hearing.

A motion to Close the Public Hearing at 7:53pm by Jim Batsford, Seconded by Michael Hough. A Roll Call Vote was called by Secretary Bartlett-

AYES: Kearney, Hough, Clark, Greco, Batsford

NOES: None

ABSTAIN: None

The motion was carried 5-0.

Resolution #507-V was introduced by Michael Hough, Seconded by Jim Batsford-

**TOWN OF CHESTER
ZONING BOARD OF APPEALS**

RESOLUTION FOR VARIANCE APPLICATION #507-V

WHEREAS, Michael Anderson and Susan Anderson (the “Applicants”) are proposing to install and place a 10’ x 12’ storage shed on property located at Carl Turner Road, identified by Tax Map Parcel Number 87.12-1-11, in Zoning District Rural Use (the “Project”) and have applied to the Town of Chester Zoning Board of Appeals (“ZBA”) for a 44 ft. front yard setback variance and a 35 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, 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,

WHEREAS, the ZBA opened and held a properly-noticed Public Hearing on Variance Application #507-V on October 26, 2021 and closed the public hearing on October 26, 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, considering that the Applicants currently own two of the adjoining properties.

2. The benefit sought by the applicant cannot be achieved by some method feasible for the applicant to pursue, other than area variances. The side yard setback requirement would not be able to be maintained and due to the current slope of the property, this is the only feasible location for the storage shed.
3. The requested area variances are substantial.
4. The proposed variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The community is a mixed area to some extent and from a physical standpoint, there will be no impact.
5. The alleged difficulty is self-created, as it is the only feasible location for placement of the storage shed.

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

Duly adopted this 26th day of October, 2021 by the following vote:

AYES: Chairperson Barbara Kearney
 Michael Hough
 Mary Clark
 James Batsford
 Victor Greco

NOES: None.

ABSTAIN: None.

ABSENT: None.

MINUTES:

A motion was made by Michael Hough, Seconded by Jim Batsford to approve the September 28, 2021 Minutes of the Zoning Board of Appeals. A Roll Call Vote was called by Secretary Bartlett-

AYES: Kearney, Hough, Batsford

NOES: None

ABSTAIN: Clark, Greco

The motion was carried with 3 Board Members in favor, and 2 abstained.

CORRESPONDENCE:

- Zoning Administrator's Activity Report for September 2021;
- Letter from John D. Wright (Bartlett, Pontiff, Stewart & Rhodes, P.C.) dated October 08, 2021 with attachments and received by the Zoning Office via e-mail on October 13, 2021 RE: Area Variance Application #488-V (0 Valentine Park, LLC);
- Letter from John D. Wright (Bartlett, Pontiff, Stewart & Rhodes, P.C.) dated October 08, 2021 with attachments and received by the Zoning Office via e-mail on October 13, 2021 RE: Area Variance Application #488-V (0 Valentine Park, LLC);
- Letter from Mary Elizabeth Slevin (Stockli Slevin, LLP) dated October 12, 2021 and received by the Zoning Office via e-mail on October 13, 2021 RE: Area Variance Application #488-V (0 Valentine Park, LLC);
- "Map of a Survey of Lands of James Christopher Mrazek proposed to be conveyed to Haley Isabelle Grygiel" dated May 22, 2021 and revised October 06, 2021 with neighboring well(s) located and topographic data added. Map received by Haley Grygiel on October 13, 2021;
- Warren County Planning Department Project Review and Referral Form, reviewed by Department on October 14, 2021 for #506-V and #507-V. Forms received by the Zoning Office on October 15, 2021;
- Letter from Mark Schachner (Town Counsel) dated October 19, 2021 and received by the Zoning Office on October 21, 2021 RE: Valentine Park Assoc., Inc. v. Town of Chester ZBA, et al.

PUBLIC PRIVILEGE:

None.

BOARD PRIVILEGE:

None.

ADJOURNMENT:

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

AYES: Kearney, Hough, Batsford, Clark, Greco

NOES: None

ABSTAIN: None

The motion was carried with 5-0.

Respectfully submitted,

Jack D. Bartlett
Secretary
Zoning Board of Appeals