



**MINUTES OF MEETING  
ZONING BOARD OF APPEALS  
TOWN OF CHESTER  
SEPTEMBER 22, 2015**

The meeting was called to order by Chairman Grady at 7:02 p.m.

**ATTENDANCE:**

Chairperson John Grady, Mary Jane Dower, Arnold Jensen, Bill Oliver, Walter J. Tennyson (Zoning Administrator) and Tom Thorsen (alternate member). Absent was John MacMillen. Tom Thorsen was sitting in for John MacMillen.

**PUBLIC HEARING:**

**#422-V** – JoAnn Lee is requesting an 11ft sideline setback variance, according to Section 4.03 of the Town of Chester Zoning Local Law, in order to construct and 8' x 20' storage shed. Property is located at 53 Theriot Ave, identified by Tax Map Parcel #: 104.11-1-31, in Zone Classification Hamlet.

**NEW BUSINESS:** None.

**MINUTES:**

Mr. Lee is requesting a 11ft sideline variance to construct a 8' by 20' wood shed in the hamlet zone at 53 Theriot Ave tax map # 104.11-1-31, already partially constructed (base structure and plywood siding) because he thought being a temporary structure no permit/variance was needed. He stated that due to snow removal issues and location of his septic field it must be located as such.

Chairman Grady has pointed out the amount of space on the property so maybe the shed could be put in a different location or variance could be minimized by locating the shed farther on to Mr. Lee's property. He further states it is in direct view from neighboring house and the road.

Mr. Lee states that it will not be an eyesore as it will be same color/siding as the existing house. He has had complaints in the past about his pile of wood with a tarp over it each winter.

No letters about this issue are known to exist.

Walter Tennyson represents one neighbor and is asking to have the shed moved back so a variance would be obsolete. **(Amended on 3/22/16 meeting-It was Dan Smith representing the neighbor Ron Stevens.)**

Mr. Lee offers to remove shed and board can review the said property in the winter when the snow removal issue is a problem.

Dan Smith (lawyer) had deed and map from 1961 done by Fred Culver for said property and shows 1.148 acres and appears that the fire hydrant is owned by Mr. Lee as line appears to be farther east. This is to only prove that a survey should have to be done to prove where said sidelines actually exist. He believes matter should be tabled until survey is complete. He represents neighbor Jane Neptune (deceased) Ron Stevens (executor).

All board members seem unclear about the variance needed.

Mary Jane Dower pointed out that a survey must exist somewhere but current map serves as such even though shed was not on map.

Another neighbor (name not disclosed) said it looks bad and it's too close. He has to abide by the 15ft sideline zoning law so his neighbors should have to as well.

#### Area Variance Criteria-

1. Can benefit be achieved by any other means? It is believed to be able to be achieved by other means such as moving or downsizing structure to minimize variance.
2. Is it a detriment to nearby properties or an undesirable change in the neighborhood? It is believed to not cause any problems in neighborhood.
3. Is request substantial? It is believed to be very substantial as law requires a 15 ft sideline and an 11 ft sideline variance was requested.
4. Physical or environmental effects to neighborhood? None believed to exist.
5. Is difficulty self-created? No concerns. **(Amended at 2/23/16 meeting- Yes it is self-created as shed was not existing prior but no concerns.)**

Chairperson Grady also noted that the ZBA can grant variances that impose a condition. Such as Mr.Lee will move structure to the pavement and a 2ft variance would be granted.

Mr.Lee states he has good idea where property line is as he found 2 original survey stakes and used GPS technology to decipher his property and that is based within a 6 inch degree of accuracy.

Mr. Lee considers withdrawing application as he feels this process is senseless due to one unhappy neighbor. Chairman Grady points out that there was opposition on the board as well as the neighbors.

Mr. Lee decided to amend his application to a 2 ft variance and a stipulation that the wood shed must look exactly like the house in color/siding and will have a green metal roof.

Public Hearing closed.

Motion made by Arnold Jensen and seconded by Bill Oliver. All in favor. 5-0.

Motion made to grant 2 ft variance to #422-V, Mr. Lee.

Made by John Grady and seconded by Mary Jane Dower. All in favor. 5-0.

Motion to approve minutes from special 8/6/15 meeting.

Made by Mary Jane Dower and seconded by Bill Oliver. All in favor. 5-0.

**CORRESPONDENCE:**

Zoning Administrator & Sanitary Code Enforcement Officer's Activity Report for August 2015.

Received notice from board that Tom Thorsen was appointed as alternate member to ZBA.

Warren County planning board wants results of meeting for #422-V, Mr. Lee.

In reference to #420-V sign variance with APA is subject to permit issued previously.

**BOARD PRIVILEGE:** None.

**OLD BUSINESS:** None.

**ADJOURNMENT:**

Bill Oliver made a motion to adjourn the meeting at undisclosed time.; seconded by Arnold Jensen. None opposed. Motion carried 5-0.

Respectfully submitted,

Brandi Bessette  
Secretary  
Zoning Board of Appeals