



**MINUTES OF MEETING  
TOWN OF CHESTER ZONING BOARD OF APPEALS  
Regular Meeting  
Tuesday, September 22, 2020**

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).

**OLD BUSINESS AND PUBLIC HEARINGS:**

**#481-V:** Anthony F. and Linda T. Taverni are requesting a 13'-9" side yard setback variance and 10' rear yard setback variance, according to Section 4.03 of the Town of Chester Zoning Local Law, in order to replace a storage shed that was demolished pursuant to issued permits with a structure of same size (232 sf. ±) in existing footprint. Property is located at 826 Atateka Dr., identified by Tax Map Parcel #: 120.11-1-4, in Zoning District Moderate Intensity. **\*\*PUBLIC HEARING remained open from 07/28/2020 Meeting.\*\***

The applicant requested that this application be tabled until the November 2020 Meeting.

**NEW BUSINESS:**

- **#472-V:** James and Maribeth Batsford are requesting a 25 ft. front yard setback variance, according to Section 4.03 of the Town of Chester Zoning Local Law, in order to construct an addition to an existing 18' x 24' garage. Proposed addition will consist of a 10' x 17' workshop and 40' x 60' garage/storage building. Property is located at 268 Perry Rd., identified by Tax Map Parcel #: 51.-1-26.1, in Zoning District Rural Use.
  - Requested Amendment: The addition will consist of an attached 10' x 18' workshop with the eve extending over a 10' x 6' slab on the road facing side, and a 30' x 50' garage/storage building.

Jim Batsford was present and explained his request for an Amendment. Secretary Bartlett stated that this amendment was approved by the Planning Board last night. Mr. Batsford stated that he was trying to maintain the same building line. Zoning Administrator Little explained the amendment for changed project.

A motion to approve the Amendment to #472-V was made by Arnold Jensen, Seconded by Mary Clark. A Roll Call Vote was called by Secretary Bartlett- Chairman MacMillen- Yes, Ms. Clark- Yes, Mr. Hough- Yes, Mr. Jensen- Yes, and Ms. Kearney- Yes. The motion carried 5-0.

### **PUBLIC HEARINGS AND NEW BUSINESS:**

**#485-V:** Mary and Terry Carmel are requesting a 92 ft. front yard setback variance and a 70 ft. rear yard setback variance, according to Section 4.03 of the Town of Chester Zoning Local Law, in order to replace an existing 8' x 19' deck with a 9' x 30' screened in porch and construct a 7' x 15' open deck to existing single family dwelling. Property is located at 34 Pines Lakeside Rd., identified by Tax Map Parcel #: 136.7-1-21, in Zoning District Rural Use.

Ray, Mary, and Terry Carmel were present at the meeting and explained the request for the variance. Michael Hough asked if the neighbors had a screened in porch, the applicant responded that they do. Arnold Jensen asked if there was a variance for a sideline. The applicant showed the Board what is considered the side and rear lines on the property.

Michael Hough asked if there was any need for fire codes? Chairman MacMillen stated that he believes there may be a need for Fire Prevention. Barb Kearney stated that she agrees with the statement of the Chairman.

Chairman MacMillen discussed the Variance Request and size of the request. Believe that the proposed is very close to the neighboring property. The applicant stated that the property was just purchased. The Chairman asked how much further is the screened in porch coming from the existing deck, it is 11 feet according to the drawing. The Board felt that the property should be surveyed.

Arnold Jensen stated that he agrees that the property should be surveyed. The applicant stated that the neighbor just had the property surveyed and they have not received the report back yet.

Chairman MacMillen stated that he would like to speak to Warren County Building Codes and would like to see a survey of the property to have an actual determination.

Barbara Kearney stated that she agrees with the need of the survey and would like to see one with exact measurements. She believes that anything being built should be 10 feet from the property line to allow for Fire Code. She is not 100% sure how the county will look at the code. Fire Separation is important.

Arnold Jensen stated that he believes that the applicant should have at least 5 feet from the property line for Fire Separation. Barbara Kearney stated that the code does say 5 feet from property line but does not say from a structure.

Chairman MacMillen stated he would like to see the setback from the lake and the new porch from the front property line. Measurement from the driveway. The applicant stated that it was not a driveway, just a right of way not for parking.

The location of the Septic Tank was shown to the Board. There was a discussion of alternatives for property and porch. The applicants stated that they don't want to pinch the neighbors.

Chairman MacMillen stated that a survey is definitely needed to see exactly what the variance being awarded would be.

Mary Clark stated that we should wait for a survey.

Having been duly advertised, Chairman MacMillen opened the Public Hearing at 7:42pm. He also stated that the Public Hearing would remain open.

Jeanne Hawkey is the neighboring property owner and is concerned with the proposed structure being 5 feet from the property line and is concerned that it was actually 3 feet to the property line. 81 inches between the two structures on one side. Ms. Hawkey stated that they took this all into consideration last year when they placed their addition. She is also concerned that their right of way driveway will be lost as well.

Chairman MacMillen stated that the Roof Overhangs are what the variance request would be counted from.

Variance #485-V was tabled until applicant returns with the requested information.

#### **MINUTES:**

A motion to approve the minutes of the August 25, 2020 Meeting of the Zoning Board of Appeals was made by Barbara Kearney, Seconded by Michael Hough. A Roll Call Vote was called by Secretary Bartlett- Chairman MacMillen- Yes, Ms. Clark- Yes, Mr. Hough- Yes, Mr. Jensen- Yes, and Ms. Kearney- Yes. The motion carried 5-0.

#### **CORRESPONDENCE:**

- Zoning Administrator's Activity Report for August 2020;
- Letter with supplementary statement RE: Variance Application 481-V dated September 17, 2020 from Anthony and Linda Taverni (Received from Linda Taverni by the Zoning Office via e-mail on September 17, 2020);
- E-mail from Robert Treiling dated September 18, 2020 with attachment (Received by the Zoning Office on September 21, 2020 RE: Variance #485-V);
- E-mail from Jeanne Hawkey dated September 18, 2020 and received by the Zoning Office on September 21, 2020 RE: Variance #485-V;
- Letter from Robert Treiling and Jeanne Hawkey dated September 15, 2020 with attachments (Received from Robert Treiling by the Zoning Office via e-mail on September 21, 2020);
- E-mail from Linda Taverni dated September 20, 2020 and received by the Zoning Office on September 21, 2020 RE: "Taverni Variance App #481-V Request for Adjournment";
- E-mail from Ray Carmel dated September 20, 2020 and received by the Zoning Office on September 21, 2020 RE: Treiling and Hawkey Correspondence RE: #485-V.

**PUBLIC PRIVILEGE:** None

**BOARD PRIVILEGE:** None

**ADJOURNMENT:**

A motion was made by Arnold Jensen, seconded by Mary Clark to adjourn the meeting at 7:48pm. A Roll Call Vote was called by Secretary Bartlett- Chairman MacMillen- Yes, Ms. Clark- Yes, Mr. Hough- Yes, Mr. Jensen- Yes, and Ms. Kearney- Yes. The motion carried 5-0.

Respectfully submitted,

Jack D. Bartlett  
Secretary  
Zoning Board of Appeals