

Zoning Board of Appeals ~ Town of Chester
P.O. Box 423
Chestertown, NY 12817

MINUTES OF MEETING ~ OCTOBER 28, 2008

ATTENDANCE: Mary Jane Dower, Sam Sewall, John Grady, alternates John MacMillen, Bill Oliver, Arnold Jensen, and Secretary Pat Smith. Absent were Ken Marcheselli and Elizabeth Morris.

CORRESPONDENCE: ZBA Minutes of August 26th, 2008; Planning Board Minutes of August 18th and September 15th, 2008; Zoning Administrator's Activity Report for August & September 2008; and APA review of Variance application for Omnipoint.

MINUTES: On a motion by Mr. Sewall, seconded by Mr. Grady, the Minutes of the August 26th meeting were accepted, as presented. Motion carried 5/0.

PUBLIC HEARING: Having been duly advertised, the public hearings were opened at 7:02 p.m. by Vice Chairperson, Mary Jane Dower.

It should be noted at this time that application #384-V for Peter Fitzgerald was withdrawn from this agenda by the applicant in order to deal with a family matter. Applicant should be ready to proceed at the November meeting.

#383-V ~ Stan Zaranski proposed sideline setback. Applicant is requesting an 8 ft. 9 in. sideline setback variance in order to accommodate construction of a deck & stairs to his dwelling, located at 126 Blythwood Island Road, tax map # 86.5-1-8. The proposed deck will be six feet wide and 30 feet long, including stairs. Neither of the neighbors, Murray's or Smith's, had a problem with the proposal. The neighbor most affected would be Mr. Murray to the north. There is currently vegetative screening between the two parcels.

As it stands now, applicant has to walk down a long, steep, stony walk on the side of the house to a set of open, rickety wooden stairs, in order to enter the home. The addition of the deck would give him safe entrance to his home. The lot that the dwelling sits on is only 70+/- feet wide. Should the deck only extend to the corner of the house, and not wrap around to the rear, there would be no ingress and egress from the lake side of the dwelling.

Extensive discussion ensued, followed by a motion from Mr. Sewall to declare the application complete. Motion was seconded by Mr. Grady, and carried 5/0.

Following review of the required criteria, the board finds as follows:

1. Whether benefit can be achieved by other means feasible to applicant:

There is no feasible access point for a door to the home other than the present location, due to the lay of the land. To change access would require change in load, existing floor plan of dwelling, and site grade.

2. Undesirable change in neighborhood character or to nearby properties:

Entry already exists. There is vegetative screening already in place, and the home is only viewable by a single neighbor, who offers no objection to the deck addition.

3. Whether request is substantial.

Yes, at 58%. However, deck extension beyond the entry door to wrap around the house, will not come any closer to the property line, and will allow homeowner additional egress in the event of an emergency.

4. Whether request will have adverse physical or environmental effects:

Construction of a deck and stairs will not create any adverse physical or environmental impacts. (See question 2). Existing vegetation will not be disturbed, and sona tubes for footings will minimize erosion.

5. Whether alleged difficulty is self-created:

It might be suggested that the alleged difficulty is self-created by virtue of the construction of a dwelling on such a narrow lot. However, the homeowner needs to be able to safely access his home, and the eyesore of the temporary stairs and walk will be eliminated.

Following discussion, motion was made by Mr. Sewall to grant the requested 8 ft. 9 in. sideline setback for the construction of a deck and stairs. Motion carried 5/0.

BOARD PRIVILEGE: Board briefly reviewed the map and application for application #384-V, but without applicant being present, and an explanation of full intent, it is not feasible to pursue.

ADJOURNMENT: On a motion by Mr. Grady, seconded by Mr. Sewall, meeting was adjourned at 7:10 p.m.

Respectfully submitted,

Patricia M. Smith ~ Secretary