



ZONING BOARD OF APPEALS
Regular Meeting – February 28, 2023

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

Attendance:

Chairperson Barbara Kearney, James Batsford, Victor Greco, Mary Clark, Zoning Administrator Jeremy Little (via Zoom) and Mindy Conway (Acting Secretary) were present. Vice Chairman Michael Hough was absent.

Chairperson Kearney welcomed everyone to the meeting.

Old Business:

#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. ****PUBLIC HEARING remained opened from 04/27/2021 ZBA Meeting.****

Chairperson Kearney stated that **Variance Application #498-V: C. Thomas Luciano and Darlene Luciano** will remain open at the request of the applicant.

New Business and Public Hearings:

#527-V: Bradley and Maria Bloss are requesting a 48 ft. front yard setback variance (Kingsley Lane), according to Section 4.03 of the Town of Chester Zoning Local Law, in order to construct a two-car 24' x 26' two-car garage with storage above. Property is located at 106 Kingsley Lane, identified by Tax Map Parcel #: 86.14-1-13, in Zoning District Moderate Intensity.

Bradley Bloss said that they would like to construct a two-car garage and they have two front yards so they need a variance.

Chairperson Kearney asked why they were not putting straight back. Bradley Bloss said that it would block the shed.

Chairperson Kearney **opened** the Public Hearing for **Variance Application #527-V: Bradley and Maria Bloss** at 7:04 pm.

Chairperson Kearney asked if there was anyone from the public who would like to speak.

On a motion by Victor Greco, seconded by Mary Clark, the Public Hearing **closed** for **Variance Application #527-V: Bradley and Maria Bloss** at 7:04 pm.

AYE 4 NO 0

RESOLUTION FOR VARIANCE APPLICATION #527-V

WHEREAS, Bradley and Maria Bloss (the “Applicant(s)”) are proposing to construct a 24’ x 26’ two-car detached garage with storage above on property located at 106 Kingsley Lane, identified by Tax Map Parcel Number 86.14-1-13, in Zoning District Moderate Intensity (the “Project”) and have applied to the Town of Chester Zoning Board of Appeals (“ZBA”) for a 48 ft. front 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 the State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, the ZBA opened and held a properly-noticed Public Hearing on Variance Application #527-V on February 28, 2023 and closed the public hearing on February 28, 2023; and

WHEREAS, the ZBA has reviewed, considered and deliberated about the variance 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.
2. The benefit sought by the applicant cannot be achieved by some method feasible for the applicant to pursue, other than area variances.
3. The requested area variance is substantial.
4. The proposed variance 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.
6. The proposed variance is the minimum variance that is necessary and adequate to achieve the Applicant’s goal and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

7. The benefit to the Applicant if the variance is granted would outweigh the potential detriment to the health, safety and welfare of the neighborhood or community.

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

Introduced by Victor Greco who moved for its adoption, seconded by Mary Clark:

Duly adopted this 28th day of February, 2023 by the following vote:

AYES: Chairperson Barbara Kearney
 James Batsford
 Victor Greco
 Mary Clark

NOES: None.
ABSTAIN: None.
ABSENT: Michael Hough

Chairperson Kearney recused herself, turned the meeting over to Mary Clark and left the room at 7:09 pm.

#528-V: Richard Stolen and Cheryl Carlson are requesting an 18 ft. front yard setback variance, according to Section 4.03 of the Town of Chester Zoning Local Law, in order to construct a 24' x 24' second story addition (After-the-Fact) to the existing two-car garage with a 3' x 5' landing and stairs. Addition to only be used for storage. Property is located at 43 Marina Road, identified by Tax Map Parcel #: 86.13-1-18, in Zoning District Moderate Intensity.

Richard Stolen said they were putting a second story on a garage and installing stairs on the outside.

Victor Greco asked if it was already complete. Richard Stolen replied yes.

James Batsford asked when the garage was original built. Richard Stolen commented around 1990.

Victor Greco asked Richard Stolen if he knew he needed a variance. Richard Stolen said he did not.

Mary Clark asked if it was going to be used for just storage and not an apartment. Richard Stolen said just storage, there is no septic or water.

Mary Clark **opened** the Public Hearing for **Variance Application #528-V: Richard Stolen and Cheryl Carlson** at 7:13 pm.

The Zoning Administrator read the two following letters:

“I own the camp (61 Marina Rd) two doors past the Marina. We observed the building of the second floor over the Stolen’s garage and are pleased with the result.

We have no objections to this addition and recommend that the board approve this variance request.”

LeRoy H. Layton

“In regard to the subject variance application, we are in full support to the proposed garage addition (with 18-foot front yard setback variance) at 43 Marina Road. Thank you for the notification and for the opportunity to state our support of the project as proposed.”

Ruth and Louis Barry

The Zoning Administrator commented that the County referral response was received with no County impact from the County Planning Department.

Mary Clark asked if there was anyone from the public who would like to speak.

On a motion by James Batsford, seconded by Victor Greco, the Public Hearing **closed** for **Variance Application #528-V: Richard Stolen and Cheryl Carlson** at 7:15 pm.

AYE 3 NO 0

RESOLUTION FOR VARIANCE APPLICATION #528-V

WHEREAS, Richard Stolen and Cheryl Carlson (the “Applicant(s)”) are proposing to construct a 24’ x 24’ second-story addition (After-the-Fact) to the existing two-car garage with 3’ x 5’ landing and stairs with the addition only being used for storage purposes on property located at 43 Marina Road, identified by Tax Map Parcel Number 86.13-1-18, in Zoning District Moderate Intensity (the “Project”) and have applied to the Town of Chester Zoning Board of Appeals (“ZBA”) for an 18 ft. front 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 the State Environmental Quality Review Act (“SEQRA”); 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 #528-V on February 28, 2023 and closed the public hearing on February 28, 2023; and

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

WHEREAS, the ZBA has reviewed, considered and deliberated about the variance 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.
2. The benefit sought by the applicant cannot be achieved by some method feasible for the applicant to pursue, other than area variances.
3. The requested area variance is substantial.
4. The proposed variance 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.
6. The proposed variance is the minimum variance that is necessary and adequate to achieve the Applicant's goal and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
7. The benefit to the Applicant if the variance are granted would outweigh the potential detriment to the health, safety and welfare of the neighborhood or community.

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

Introduced by James Batsford who moved for its adoption, seconded by Mary Clark:

Duly adopted this 28th day of February, 2023 by the following vote:

AYES: Acting Chairperson Mary Clark
 James Batsford
 Victor Greco

NOES: None.

ABSTAIN: Barbara Kearney

ABSENT: Michael Hough

Chairperson Kearney returned to the meeting at 7:21 pm.

Minutes:

On a motion made by James Batsford, seconded by Mary Clark, minutes for the Regular Meeting January 24, 2023 were accepted.

AYE 4 NO 0

Correspondence:

- Zoning Administrator’s Activity Report for January 2023;
- Save-the-Date for the 2023 Adirondack Planning Forum scheduled for April 26 and 27, 2023;
- Warren County Planning Department Project Review and Referral Form, reviewed by Department on February 10, 2023 for Variance #528-V. Form received by the Zoning Office on February 14, 2023;
- E-mail from Ruth and Louis Barry received by the Zoning Office on February 17, 2023 RE: Variance #528-V;
- Letter from LeRoy H. Layton dated February 16, 2023 and received by the Zoning Office on February 21, 2023 RE: Variance #528-V.

Public Privilege:

None.

Board Privilege:

The Secretary asked the Board members if they are interested in attending 2023 Adirondack Planning Forum scheduled for April 26 and 27, 2023 at the Hotel Saranac, Saranac Lake, New York and she would need to know by March 13, 2023.

Adjournment:

On a motion by Victor Greco, seconded by Mary Clark, meeting adjourned at 7:25 pm.

AYE 4 NO 0

Respectfully submitted,

Mindy Conway
Acting Secretary