



**ZONING BOARD OF APPEALS  
Regular Meeting – March 28, 2023**

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

**Attendance:**

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

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:**

**#529-V: John and Caroline LaFleche** are requesting a 24.3 ft. front yard setback variance, according to Section 4.03 of the Town of Chester Zoning Local Law, in order to demolish an existing deck, construct a 721 sq. ft. addition (1,442 total sq. ft. for both floors) and a 16' x 14' deck addition to an existing single-family dwelling. The proposed addition will expand the existing kitchen and living/dining area on the first floor and create a new bedroom and storage area in the finished basement. Property is located at 185 Chester Shores Drive, identified by Tax Map Parcel #: 86.18-1-24, in Zoning District Moderate Intensity.

John and Caroline LaFleche were present.

John LaFleche said that they are now full-time residents and have been for the last two (2) years and would like to take their existing camp, which is about 840 sq. ft. and increase the size to about 1,500 sq. ft. The variance requested is because the house is 35 ft. from the road and it

should be 60 ft from the road. The intention is to remain 35 ft from the road, just extending the house 8 ft wider.

Chairperson Kearney commented that both side setbacks are met as well as the lake.

Chairperson Kearney asked how far out from the deck they were going. John LaFleche said that they will go out six (6) ft. further, which will be 52 ft from the lake.

Chairperson Kearney asked if the Board had any questions.

James Batsford commented that he feels that the distance from the lake is more important than a front yard setback.

Michael Hough asked about the neighbors. John LaFleche commented that the neighbors are good with it and have seen the plans.

Chairperson Kearney **opened** the Public Hearing for **Variance Application #529-V: John and Caroline LaFleche** at 7:06 pm.

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

On a motion by James Batsford, seconded by Mary Clark, the Public Hearing **closed** for **Variance Application #529-V: John and Caroline LaFleche** at 7:06 pm.

AYE 5 NO 0

Chairperson Kearney asked the Board if there were any more questions.

Hearing none, Victor Greco read the following resolution:

**RESOLUTION FOR VARIANCE APPLICATION #529-V**

**WHEREAS**, John and Caroline LaFleche (the “Applicant(s)”) are proposing to demolish an existing deck, construct a 721 sq. ft. addition (1,442 sq. ft. for both floors) and a 16’ x 14’ deck addition to an existing single family dwelling. Proposed addition will expand the existing kitchen and living/dining area on the first floor and create a new bedroom and storage area in the finished basement on property located at 185 Chester Shores Drive, identified by Tax Map Parcel Number 86.18-1-24, in Zoning District Moderate Intensity (the “Project”) and have applied to the Town of Chester Zoning Board of Appeals (“ZBA”) for a 24.3 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 #529-V on March 28, 2023 and closed the public hearing on March 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. The side yard setback is being maintained and the proposed addition is in line with the pre-existing nonconforming structure.
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. The proposed addition is the minimum variance requested and the addition is in line with the existing single-family dwelling.
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 Victor Greco who moved for its adoption, seconded by Michael Hough.

Duly adopted this 28<sup>th</sup> day of March, 2023 by the following vote:

AYES:                      Chairperson Barbara Kearney  
                                    James Batsford  
                                    Victor Greco  
                                    Mary Clark

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

**#530-V: Jeffrey and Carolee Detrick** are requesting an 11 ft. right side yard setback variance and a 13 ft. 7-inch shoreline setback variance, according to Section 4.03 and Section 7.01(B)(4) of the Town of Chester Zoning Local Law, in order to construct a 10' x 32'-4" addition to an existing four-bedroom single-family dwelling. The addition will consist of an expanded kitchen and bedroom with new master bath on the first floor and new walk-in closet and office on the second floor. Property is located at 157 Chester Shores Drive, identified by Tax Map Parcel #: 86.18-1-18, in Zoning District Moderate Intensity.

Jeff Detrick was present and said that he is looking to construct an addition to their house, because they are looking at moving up here full-time in the next couple of years. They have in-laws that are aging and will require a new master bath on the first floor and the upstairs will be office space to accommodate them both working from home. The addition will follow the existing house line that is there already.

Michael Hough asked if the addition is closer to the lake. Jeff Detrick replied no he will be staying in line but is asking for a 13 ft. 7 in. shoreline setback variance to be in compliance.

John LaFleche commented that the side yard is neighboring to the beach with kayaks and a storage building. Chairperson Kearney said that that is the right side yard that they are asking for the 11 ft. setback variance.

Chairperson Kearney read the following email from the Zoning Administrator:

"Board Members,

As you are all aware, Variance Application #530-V includes a variance request seeking relief from the shoreline setback requirement of 50 ft. If approved by the ZBA, this Application, including all accompanying documents, will need to be submitted to the Adirondack Park Agency to fulfill the referral requirement per Section 10.08(E) of the Zoning Local Law.

**We wanted to take this opportunity to encourage the ZBA to include discussion regarding minimizing impacts of additional square footage within the shoreline setback in their future decisions. The ZBA could also consider conditioning such variances upon vegetative screening or other methods to minimize visual/environmental impacts. For Agency review purposes it is important that such discussions are included in the ZBA minutes or the record of decision."**

Chairperson Kearney commented that there are trees and a fire pit that block the view from the water. Jeff Detrick said it is not visible from the water, there are trees and brush. Chairperson

Kearney commented that there is screening, but asked the Applicant if he had any other ideas about minimizing visual or environmental impact. Jeff Detrick commented that all you can see now is the glass from the little bump out.

James Batsford asked about the runoff. Jeff Detrick replied that the gutters will continue toward the beach/forest area.

Jeff Detrick said they are adding a 250 gallon septic tank to the current 1,000 gallon septic tank to bring the septic tank sizing come into compliance. The Zoning Administrator said they do not need a variance for the additional septic tank, as it appears to meet all the setbacks.

Chairperson Kearney **opened** the Public Hearing for **Variance Application #530-V: Jeffrey and Carolee Detrick** at 7:24 pm.

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

Joe Detrick (via Zoom) said that he is Jeff's relative but he also lives down the road from him. If you look at Jeff's building and the builder and the property how it is kept is far and above what the area. Jeff and his family keep that property impeccable and in excellent shape and the size of the expansion does not change anything. Joe Detrick said that he is a homeowner in that area as well.

John LaFleche agreed with everything Joe Detrick said and added that the side that Jeff Detrick is asking for the variance on is really on the side that the Association uses for storage.

James Batsford commented that if any of the members had any concerns after receiving the notice we would have heard from them.

Chairperson Kearney said for the record they was no correspondence.

On a motion by Michael Hough, seconded by Victor Greco, the Public Hearing **closed** for **Variance Application #530-V: Jeffrey and Carolee Detrick** at 7:26 pm.

AYE 5 NO 0

Chairperson Kearney asked if there was anymore discussion from the Board.

Hearing none, James Batsford read the following resolution:

**RESOLUTION FOR VARIANCE APPLICATION #530-V**

**WHEREAS**, Jeffrey and Carolee Detrick (the "Applicant(s)") are proposing to construct a 10' x 32'-4" addition to an existing four-bedroom single family dwelling, which will consist of an expanded kitchen and bedroom with new master bath on the first floor and new walk-in closet and office on the second floor on property located at 157 Chester Shores Drive, identified by Tax Map Parcel Number 86.18-1-18, in Zoning District Moderate Intensity (the "Project") and have applied to the Town of Chester Zoning Board of Appeals ("ZBA") for an 11 ft. right side yard setback

variance and a 13 ft. 7-inch shoreline setback variance from requirements of Sections 4.03 and 7.01(B)(4) 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 #530-V on March 28, 2023 and closed the public hearing on March 28, 2023; and

**WHEREAS**, a full record of the Decision will be referred to the Adirondack Park Agency (“Agency”) as required by Section 10.08(E)(2) of the Town of Chester Zoning Local Law; and

**WHEREAS**, the variance does not take effect until thirty (30) days from the Agency’s receipt of the Board’s complete record of the Decision and if within such thirty (30) day period, the Agency determines that such variance involves the provisions of the land use and development plan including any shoreline restriction and was not based upon the appropriate statutory basis, the Agency may reverse the local determination to grant the variance; 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 Sections 4.03 and 7.01(B)(4) 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 or/nor be a detriment to nearby properties. The proposed addition will be staying in-line with the existing single-family dwelling.
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 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 drainage will be directed into the wooded area and existing vegetation will screen the addition and help minimize its visual impact.
5. The alleged difficulty is self-created.
6. The proposed variances are the minimum variances that are 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 variances 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 variances with no condition(s) imposed.

Introduced by James Batsford who moved for its adoption, seconded by Michael Hough.

Duly adopted this 28<sup>th</sup> day of March, 2023 by the following vote:

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

NOES:                    None.

ABSTAIN:                None.

ABSENT:                 None.

**Minutes:**

On a motion made by Victor Greco, seconded by James Batsford, minutes for the Regular Meeting February 28, 2023 were accepted.

AYE 4        NO 0  
Abstained – Michael Hough

**Correspondence:**

- Zoning Administrator’s Activity Report for February 2023.

**Public Privilege:**

None.

**Board Privilege:**

The Secretary if asked the April Board Meeting could be changed from April 25, 2023 to April 26, 2023. All Board Members agreed to change the April Board Meeting to April 26, 2023 at 7 pm.

**Adjournment:**

On a motion by James Batsford, seconded by Victor Greco, meeting adjourned at 7:36 pm.

AYE 5        NO 0

Respectfully submitted,

Mindy Conway  
Acting Secretary