



**ZONING BOARD OF APPEALS  
Regular Meeting – April 26, 2023**

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

**Attendance:**

Chairperson Barbara Kearney, Vice Chairman Michael Hough, James Batsford, 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:**

**#531-V: Earle R. Forbes and Michele L. Lebrun** are requesting a 24.3 ft. front yard setback variance and a 16.1 ft. front yard setback variance, according to Section 4.03 of the Town of Chester Zoning Local Law, in order to demolish an existing single-family dwelling and detached two-car garage and construct a 26' x 60' Two-Bedroom Single-Family Dwelling with a 48 sq. ft. front porch and 20 sq. ft. side deck and new two-car 32' x 22' Detached Garage in same locations. Property is located at 563 White Schoolhouse Road, identified by Tax Map Parcel #: 69.-1-14, in Zoning District Moderate Intensity.

Bret Winchip, Winchip Engineering, was present representing the Applicants.

Bret Winchip said that his clients are desiring to replace a manufactured home with a stick-built home in the same location and a new garage in the same location. The difference in garages is the overhang. The new garage will have a larger overhang. The house is essentially in the same footprint, they just squared up to even the footings there is a side entry and a porch to the entry.

They are going to drill a new well and they have checked that the septic is in working condition and have submitted a letter.

Chairperson Kearney **opened** the Public Hearing for **Variance Application #531-V: Earle R. Forbes and Michele L. Lebrun** at 7:06 pm.

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

On a motion by Michael Hough, seconded by Victor Greco, the Public Hearing **closed** for **Variance Application #531-V: Earle R. Forbes and Michele L. Lebrun** at 7:06 pm.

AYE 5 NO 0

Chairperson Kearney asked the Board if there were any more questions and commented that the Warren County Planning Department came back with no comment.

Hearing none, James Batsford read the following resolution and discussed the criteria:

1. Undesirable change in neighborhood character or to nearby properties:
  - The Board agreed that there would be no undesirable change produced in character of the neighborhood or a detriment to nearby properties.
2. Whether benefit can be achieved by other means feasible to applicant:
  - The Board agreed there is no feasible alternative to the variance that can provide a benefit if sought by the applicant, due to the location of the wetlands and the size of the property.
3. Whether request is substantial:
  - The Board agreed that the requested variance is substantial.
4. Whether request will have adverse physical or environmental effects:
  - The Board agreed the variance would not have an adverse impact on the physical or environmental conditions in the neighborhood.
5. Whether alleged difficulty is self-created:
  - The Board agreed that the alleged difficulty is not self-created.

#### **RESOLUTION FOR VARIANCE APPLICATION #531-V**

**WHEREAS**, Earle R. Forbes and Michele L. Lebrun (the “Applicant(s)”) are proposing to demolish the existing single-family dwelling and detached garage and construct a 26’ x 60’ Two-Bedroom Single-Family Dwelling with a 48 sq. ft. front porch and 20 sq. ft. side deck and new Two-Car 32’ x 22’ Detached Garage in same location on property located at 563 White Schoolhouse Road, identified by Tax Map Parcel Number 69.-1-14, 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 and a 16.1 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 #531-V on April 26, 2023 and closed the public hearing on April 26, 2023; 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 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, due to the location of the wetlands and the size of the property.
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.
5. The alleged difficulty is not self-created.
6. The proposed variances are 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 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 Mary Clark.

Duly adopted this 26<sup>th</sup> day of April, 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 Michael Hough, seconded by Mary Clark, minutes for the Regular Meeting March 28, 2023 were accepted with the correction that Chairperson Kearney opened the public hearing for variance #530-V not Mary Clark.

AYE 5 NO 0

**Correspondence:**

- Zoning Administrator’s Activity Report for March 2023;
- Warren County Planning Department Project Review and Referral Form, reviewed by Department on April 11, 2023 for Variance #531-V. Form received by the Zoning Office on April 11, 2023.

**Public Privilege:**

None.

**Board Privilege:**

Mary Clark asked how long an application could remain open. The Zoning Administrator said that there is no time limit in our Zoning Law.

**Adjournment:**

On a motion by Victor Greco, seconded by Mary Clark, meeting adjourned at 7:18 pm.

AYE 5 NO 0

Respectfully submitted,

Mindy Conway  
Acting Secretary