



**ZONING BOARD OF APPEALS
Regular Meeting – May 23, 2023**

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

Attendance:

Chairperson Barbara Kearney, Vice Chairman Michael Hough, James Batsford, Zoning Administrator Jeremy Little (via Zoom) and Mindy Conway (Acting Secretary) were present. Victor Greco and Mary Clark were 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Chairperson Kearney stated that **Variance Application #498-V: C. Thomas Luciano and Darlene Luciano** was withdrawn, per e-mail dated 05/05/2023 from Jennifer R. Dingman of Bartlett, Pontiff, Stewart & Rhodes, PC.

New Business and Public Hearings:

#532-V: Roy E. Jensen is requesting a 15 ft. rear yard setback variance, according to Section 4.03 of the Town of Chester Zoning Local Law, in order to construct a 30'-6" x 24'-6" x 5' addition/expansion to the existing 30'-6" x 24'-6" x 12'-3" detached garage. Property is located at 6299 State Route 9, identified by Tax Map Parcel #: 104.14-1-56, in Zoning District Hamlet. Bret Winchip, Winchip Engineering, was present representing the Applicants.

Roy Jensen said that he bought a motor home last year and is looking to keep the footprint the same and just raise the roof on the garage in order to park the motor home inside the garage. The peak of the roof will be at 17ft. 3in.

Chairperson Kearney asked the Board if they had any questions.

James Batsford asked about the garage doors. Roy Jensen said that he was going to put barn doors in instead of a roll up.

Chairperson Kearney **opened** the Public Hearing for **Variance Application #532-V: Roy E. Jensen** 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 James Batsford, the Public Hearing **closed** for **Variance Application #532-V: Roy E. Jensen** at 7:07 pm.

AYE 3 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.

The Board discussed the following findings and decisions:

1. Whether undesirable change be produced in character of neighborhood or detriment to nearby properties:
 - James Batsford commented that he looks at it more of an enhancement because there will be fewer things parked outside.
 - Chairperson Kearney said the RV will be parked inside.
2. Whether benefit sought by the applicant can be achieved by feasible alternative to the variances:
 - There will not be a new garage next to the current garage to accommodate the RV.
 - The garage is going up, but remaining under 29 ft.
3. Whether the requested variance is substantial:
 - The Board agreed that it was not substantial.
4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood:
 - Chairperson Kearney said the RV will be parked out of sight.
5. Whether the alleged difficulty was self-created:
 - Michael Hough asked Roy Jensen if the garage was there when he bought the property. Roy said yes.
 - Chairperson Kearney commented that it was self-created because you are looking to do something different.

Michael Hough read the following resolution:

RESOLUTION FOR VARIANCE APPLICATION #532-V

WHEREAS, Roy E. Jensen (the “Applicant”) is proposing to construct a 30’-6” x 24’-6” x 5’ addition/expansion to the existing 30’-6” x 24’-6” x 12’-3” detached garage on property located at 6299 State Route 9, identified by Tax Map Parcel Number 104.14-1-56, in Zoning District Hamlet

(the “Project”) and have applied to the Town of Chester Zoning Board of Appeals (“ZBA”) for a 15 ft. rear 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, 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 #532-V on May 23, 2023 and closed the public hearing on May 23, 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. This would be an enhancement to the neighborhood with fewer vehicle(s) parked outside.
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 not substantial, as the addition/expansion will stay in line with the existing footprint of the detached garage.
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The RV will be parked in detached garage and out of sight.
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 subject to the following condition:

A. The Applicant is to submit a revised construction plan to the Zoning Administrator to show the garage as having barn doors.

Introduced by Michael Hough who moved for its adoption, seconded by Chairperson Barbara Kearney.

Duly adopted this 23rd day of May, 2023 by the following vote:

AYES: Chairperson Barbara Kearney
James Batsford
Michael Hough
NOES: None.
ABSTAIN: None.
ABSENT: Mary Clark
Victor Greco

#533-V: Joseph F. and Julianne Leonard are requesting a 50 ft. front yard setback variance, 31.5 ft. rear yard setback variance and an 8 ft. shoreline setback variance, according to Section 4.03 and 7.01(B)(4) of the Town of Chester Zoning Local Law, in order to install an 8' x 12' Storage Shed (After-the-Fact) and construct a patio and walkway (Total approximately 438 ± sq. ft.) with retaining wall for wheelchair access. Property is located at 24 Atateka Lane, identified by Tax Map Parcel #: 120.11-1-28, in Zoning District Moderate Intensity.

Joseph and Julianne Leonard were present.

Joseph Leonard said that they are looking to put a patio out front, blue stone, and a blue stone walkway from the patio back. They have a handicapped son and the house is raised up and they can't get him to the front and down to the beach without trouble. If he had a walkway from the lift to the front.

Julianne Leonard commented that they currently have plywood down so that they can get their son in and out of the house.

Chairperson Kearney asked if there was going to be a ramp. Joseph Leonard said they use a lift and showed the Board where the patio and walkway would be.

Chairperson Kearney asked if there was going to be any new decking. Julianne Leonard said no new decking.

Joseph Leonard said that the variance is so they can turn the wheelchair around.

Chairperson Kearney **opened** the Public Hearing for **Variance Application #533-V: Joseph F. and Julianne Leonard** at 7:19 pm.

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

On a motion by Michael Hough, seconded by James Batsford, the Public Hearing **closed** for **Variance Application #533-V: Joseph F. and Julianne Leonard** at 7:20 pm.

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

The Board discussed the following findings and decisions:

1. Whether undesirable change be produced in character of neighborhood or detriment to nearby properties:
 - Michael Hough commented that it would be minimal and would blend in.
 - Chairperson Kearney said that 3 ft. is nothing when you are working with someone in a wheelchair as far as the width of the pathway.
 - James Batsford said that it will blend in with the look of the house.
 - Chairperson Kearney commented that ADA requires 5 ft. to turn around and 6 ft. is probably easier with the pavers.
2. Whether benefit sought by the applicant can be achieved by feasible alternative to the variances:
 - The Board agreed there was no other alternative.
3. Whether the requested variance is substantial:
 - Chairperson Kearney said that it was not substantial, because of the minimal size.
4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood:
 - The Board agreed it would be minimal.
5. Whether the alleged difficulty was self-created:
 - Chairperson Kearney said that they are all self-created, to no fault to anybody.

James Batsford read the following resolution:

RESOLUTION FOR VARIANCE APPLICATION #533-V

WHEREAS, Joseph F. and Julianne Leonard (the “Applicants”) are proposing to install an 8’ x 12’ Storage Shed (After-the-Fact) and construct a patio and walkway (Total approximately 438 ± sq. ft.) with retaining wall for wheelchair access, on property located at 24 Atateka Lane, identified by Tax Map Parcel Number 120.11-1-28, in Zoning District Moderate Intensity (the “Project”) and have applied to the Town of Chester Zoning Board of Appeals (“ZBA”) for a 50 ft. front yard setback variance, 31.5 ft. rear yard setback variance and an 8 ft. shoreline setback variance from requirements of Section 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, 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 #533-V on May 23, 2023 and closed the public hearing on May 23, 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 Section 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 nor be a detriment to nearby properties. The proposed project will blend in with the surroundings, is minimal and allows for the minimum 5 ft. turning radius.
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 not 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 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 Michael Hough.

Duly adopted this 23rd day of May, 2023 by the following vote:

AYES: Chairperson Barbara Kearney
James Batsford
Michael Hough

NOES: None.

ABSTAIN: None.

ABSENT: Mary Clark
Victor Greco

Minutes:

On a motion made by Michael Hough, seconded by James Batsford, minutes for the Regular Meeting April 26, 2023 were accepted.

AYE 3 NO 0

Correspondence:

- Zoning Administrator’s Activity Report for April 2023;
- Warren County Planning Department Project Review and Referral Form, reviewed by Department on May 08, 2023 for Variance #532-V and #533-V. Forms received by the Zoning Office on May 08, 2023.

Public Privilege:

None.

Board Privilege:

None.

Adjournment:

On a motion by James Batsford, seconded by Michael Hough, meeting adjourned at 7:31 pm.

AYE 3 NO 0

Respectfully submitted,

Mindy Conway
Acting Secretary