



**ZONING BOARD OF APPEALS  
Regular Meeting – June 27, 2023**

Chairperson Barbara Kearney called the meeting to order at 7:06 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.

**New Business and Public Hearings:**

Chairperson Kearney asked the Board if they had any questions.

**#534-V: David Wildermuth** is requesting a 60 ft. rear yard setback variance, according to Section 4.03 of the Town of Chester Zoning Local Law, in order to construct a 12' x 24' Enclosed Porch Addition with 1 ft. overhangs on existing deck to the existing Single-Family Dwelling. Property is located at 10 Meade Mountain Road, identified by Tax Map Parcel #: 69.-1-68, in Zoning District Resource Management.

David Wildermuth said that the goal is to cover an existing porch.

Chairperson Kearney asked if the Board had any questions.

Michael Hough said that was pretty straight forward.

Victor Greco asked if the neighbors had an issue. David Wildermuth replied no.

Chairperson Kearney **opened** the Public Hearing for **Variance Application #534-V: David Wildermuth** at 7:09 pm.

Chairperson Kearney asked if there was anyone from the audience who would like to speak. If anyone on Zoom would like to speak.

On a motion by James Batsford, seconded by Victor Greco, the Public Hearing **closed** for **Variance Application #534-V: David Wildermuth** at 7:09 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.

The Board discussed the following findings and decisions:

1. Whether undesirable change be produced in character of neighborhood or detriment to nearby properties:
  - No one in view.
2. Whether benefit sought by the applicant can be achieved by feasible alternative to the variances:
  - Small lot, just covering deck.
3. Whether the requested variance is substantial:
  - The Board agreed that it was not substantial, just covering the deck.
4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood:
  - Just covering the existing deck.
5. Whether the alleged difficulty was self-created:
  - Michael Hough asked if he bought the house with the deck on it. David Wildermuth said he built the house it was in compliance, but now since the Zoning Law has changed it is not in compliance;
  - Board agreed it was not self-created.

Victor Greco read the following:

**RESOLUTION FOR VARIANCE APPLICATION #534-V**

**WHEREAS**, David Wildermuth (the “Applicant(s)”) is proposing to construct a 12’ x 24’ Enclosed Porch Addition with 1 ft. overhangs on existing deck to the existing Single-Family Dwelling on property located at 10 Meade Mountain Road, identified by Tax Map Parcel Number 69.-1-68, in Zoning District Resource Management (the “Project”) and have applied to the Town of Chester Zoning Board of Appeals (“ZBA”) for a 60 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 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 #534-V on June 27, 2023 and closed the public hearing on June 27, 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, as there are no neighboring dwellings in view.

2. The benefit sought by the applicant cannot be achieved by some method feasible for the applicant to pursue, other than area variances, as there is an existing deck and the Application is seeking to enclose it.
3. The requested area variance is not 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 not self-created, as the zoning laws have changed.
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 James Batsford.

Duly adopted this 27<sup>th</sup> day of June, 2023 by the following vote:

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

**#535-V: Thaddeus W. Baxter** is requesting a 10 ft. rear yard setback variance, according to Section 4.03 of the Town of Chester Zoning Local Law, in order to construct a 24' x 30' Detached Garage with a 10' x 30' Portico (Garage will have 2 ft. overhangs). Property is located at 274 Knapp Hill Road, identified by Tax Map Parcel #: 104.10-6-1, in Zoning District Hamlet.

Thaddeus Baxter said that he is doing a garage improvement.

Michael Hough asked if the garage was going to go where the stakes were set out. Thaddeus Baxter said yes, adjacent to John Little's property. John Little was present to support the project. They wanted to gain a few feet so that the garage doesn't come too close to the house.

Richard Sweet said that the driveway will be moved to the other side of the house, you will be able to pull into the garage. The driveway now is just a right-of-way. A permanent driveway will be constructed on the National Grid side.

Chairperson Kearney asked if the gravel parking area would remain a parking area. Thaddeus Baxter said that it will likely be removed and grassed.

Michael Hough asked where the septic was located. Thaddeus Baxter said that it is on the Little right-of-way side so there should not be an issue.

Chairperson Kearney **opened** the Public Hearing for **Variance Application #535-V: Thaddeus W. Baxter** at 7:21 pm.

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

On a motion by Michael Hough, seconded by James Batsford, the Public Hearing **closed** for **Variance Application #535-V: Thaddeus W. Baxter** at 7:21 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 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:
  - Benefit, because they will have their own access.
2. Whether benefit sought by the applicant can be achieved by feasible alternative to the variances:
  - The Board agreed there was another alternative, but it is not feasible.
3. Whether the requested variance is substantial:
  - John Little asked if they could move closer to the line. Chairperson Kearney said if they would like to change that they would need to come before the Board again.
  - Yes, over 1/3.
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:
  - Yes, they bought a house without a garage and want to build one.

James Batsford read the following:

**RESOLUTION FOR VARIANCE APPLICATION #535-V**

**WHEREAS**, Thaddeus W. Baxter (the “Applicant(s)”) is proposing to construct a 24’ x 30’ Detached Garage with a 10’ x 30’ Portico (Garage will have 2 ft. overhangs) on property located at 274 Knapp Hill Road, identified by Tax Map Parcel Number 104.10-6-1, in Zoning District Hamlet (the “Project”) and have applied to the Town of Chester Zoning Board of Appeals (“ZBA”) for a 10 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 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 #535-V on June 27, 2023 and closed the public hearing on June 27, 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 or/nor be a detriment to nearby properties. It is a benefit as the property will have its own driveway access off of Knapp Hill Road.
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 James Batsford who moved for its adoption, seconded by Mary Clark.

Duly adopted this 27<sup>th</sup> day of June, 2023 by the following vote:

AYES: Chairperson Barbara Kearney

James Batsford  
Victor Greco  
Mary Clark  
Michael Hough

NOES: None.  
ABSTAIN: None.  
ABSENT: None.

**Old Business:**

None.

**Minutes:**

On a motion made by Michael Hough, seconded by James Batsford, minutes for the Regular Meeting May 23, 2023 were accepted.

AYE 3 NO 0  
Abstain - Victor Greco  
Abstain – Mary Clark

**Correspondence:**

- Zoning Administrator’s Activity Report for May 2023;
- Warren County Planning Department Project Review and Referral Form, reviewed by Department on June 09, 2023 for Variance #535-V. Form received by the Zoning Office on June 12, 2023.

**Public Privilege:**

None.

**Board Privilege:**

None.

**Adjournment:**

On a motion by Victor Greco, seconded by Mary Clark, meeting adjourned at 7:30 pm.

AYE 5 NO 0

Respectfully submitted,

Mindy Conway  
Acting Secretary