



**ZONING BOARD OF APPEALS
Regular Meeting – July 25, 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, Bryan Bilfield (Alternate) 7:02 pm, Zoning Administrator Jeremy Little (via Zoom) and Mindy Conway (Acting Secretary) were present. Mary Clark was absent.

Chairperson Kearney welcomed everyone to the meeting.

New Business and Public Hearings:

#536-V: Lewis W. Britton, IV and Russell E. Sheer, Jr. are requesting an 84.3 ft. front yard setback variance, a 79.5 ft. front yard setback variance and variance from Section 8.01(B) for minimum area requirements, according to Sections 4.03 and 8.01 of the Town of Chester Zoning Local Law, in order to demolish an existing single-family dwelling and construct a new 34' x 20' Four-Bedroom Single-Family Dwelling with 16'-2" x 7'-9" Rear Porch and 16'-2" x 4' Deck with stairs and 5'-9" x 12' Mudroom/Entry and 4' x 12' Deck with stairs. Proposal also includes relocation of an existing 14' x 10' Storage Shed. Property is located at 835 State Route 28N, identified by Tax Map Parcel #: 32.-1-16, in Zoning District Rural Use.

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

Bret Winchip said that his client plans on tearing down the existing 4-bedroom structure and replacing it with a new 4-bedroom house. The APA came down and flagged the wetlands.

Chairperson Kearney said they have the APA letter with no impact, Warren County has no comments, and the Town of Chester Town Board issued a variance for the septic.

Victor Greco asked what "WLF" on the map. Bret Winchip commented that "WLF" stands for wetland flag, that is where the APA flagged the wetlands.

Michael Hough asked if they were going outside of where the existing house is. Bret Winchip said they are just squaring it up to the setback line and shifting it down for the wastewater system.

Chairperson Kearney **opened** the Public Hearing for **Variance Application #536-V: Lewis W. Britton, IV and Russell E. Sheer, Jr.** at 7:06 pm.

Chairperson Kearney asked if there was anyone from the audience who would like to speak or 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 #536-V: Lewis W. Britton, IV and Russell E. Sheer, Jr.** at 7:07 pm.

AYE 5 NO 0

The Board discussed the following findings and decisions:

1. Whether undesirable change be produced in character of neighborhood or detriment to nearby properties:
 - No, it will enhance the neighborhood and there is limited area for construction due to the location of the wetlands.
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:
 - Yes, due to the wetlands and size of the lot.
4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood:
 - It would not, they will have a new septic system.
5. Whether the alleged difficulty was self-created:
 - a. Yes, as the Applicant is seeking to replace the existing single-family dwelling and on-site wastewater treatment system.

Michael Hough commented that it looks like there are two (2) tanks. Bret Winchip replied one (1) is a pump station and one (1) is a tank.

Victor Greco read the following:

RESOLUTION FOR VARIANCE APPLICATION #536-V

WHEREAS, Lewis W. Britton, IV and Russell E. Sheer, Jr. (the “Applicant(s)”) are proposing to demolish an existing single-family dwelling and construct a new 34’ x 20’ Four-Bedroom Single-Family Dwelling with 16’-2” x 7’-9” Rear Porch and 16’-2” x 4’ Deck with stairs and 5’-9” x 12’ Mudroom/Entry and 4’ x 12’ Deck with stairs, and relocate an existing 14’ x 10’ Storage Shed on property located at 835 State Route 28N, identified by Tax Map Parcel Number 32.-1-16, in Zoning District Rural Use (the “Project”) and have applied to the Town of Chester Zoning Board of Appeals (“ZBA”) for an 84.3 ft. front yard setback variance, a 79.5 ft. front yard setback variance and variance from Section 8.01(B) for minimum area requirements from requirements of Sections 4.03 and 8.01 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 #536-V on July 25, 2023 and closed the public hearing on July 25, 2023; and

WHEREAS, Site Plan Review approval by the Planning Board will be required for the Project if the slope is greater than fifteen-percent (15%); 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 8.01 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.
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.
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 Victor Greco who moved for its adoption, seconded by James Batsford

Duly adopted this 25th day of July, 2023 by the following vote:

AYES: Chairperson Barbara Kearney
 James Batsford
 Victor Greco
 Michael Hough
 Bryan Bilfield (Alternate)

NOES: None.

ABSTAIN: None.

ABSENT: Mary Clark

Old Business:
None.

Minutes:
On a motion made by James Batsford, seconded by Victor Greco, minutes for the Regular Meeting June 27, 2023 were accepted.

AYE 5 NO 0

Correspondence:
• Zoning Administrator’s Activity Report for June 2023

Public Privilege:
None.

Board Privilege:
None.

Adjournment:
On a motion by Victor Greco, seconded by Michael Hough, meeting adjourned at 7:20 pm.

AYE 5 NO 0

Respectfully submitted,

Mindy Conway
Acting Secretary