



**ZONING BOARD OF APPEALS  
Regular Meeting – August 22, 2023**

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

**Attendance:**

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

Chairperson Kearney welcomed everyone to the meeting.

**New Business and Public Hearings:**

**#537-V: Tina Minkowitz and Diana Signe Kline** are requesting a 64 ft. front yard setback variance, according to Section 4.03 of the Town of Chester Zoning Local Law, in order to construct a 12' x 32'-6" Covered Deck and 12' x 37'-8" Car Port Addition to the Existing Single-Family Dwelling (Additions will have 2 ft. overhangs). Property is located at 44 Palmer Pond Road, identified by Tax Map Parcel #: 85.-1-35, in Zoning District Rural Use.

Rick Monroe, contractor for the applicant was present.

Chairperson Kearney asked if he was building a carport and deck. Rick Monroe replied yes.

Chairperson Kearney asked if the Board had any questions.

James Batsford commented that it is pretty straight forward. The structure is non-conforming because it was built before zoning laws.

Chairperson Kearney **opened** the public hearing for **Variance Application #537-V: Tina Minkowitz and Diana Signe Kline** at 7:02 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 Mary Clark, seconded by James Batsford, the Public Hearing **closed** for **Variance Application Variance Application #537-V: Tina Minkowitz and Diana Signe Kline** at 7:03 pm.

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The Board discussed the following findings and decisions:

1. Whether undesirable change be produced in character of neighborhood or detriment to nearby properties:

- No, 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 sought by the applicant can be achieved by feasible alternative to the variances:
    - The Board agreed there is no feasible alternative to the variance that can provide a benefit if sought by the applicant. The addition will stay in line with the front of the existing single-family dwelling.
  3. Whether the requested variance is substantial:
    - The Board agreed that the requested variance is substantial.
  4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood:
    - The Board agreed the variance would not have an adverse impact on the physical or environmental conditions in the neighborhood. There will be no clearing of trees, as noted in the Application.
  5. Whether the alleged difficulty was self-created:
    - The Board agreed that the alleged difficulty is self-created.

James Batsford read the following:

**RESOLUTION FOR VARIANCE APPLICATION #537-V**

**WHEREAS**, Tina Minkowitz and Diana Signe Kline (the “Applicants”) are proposing to construct a 12’ x 32’-6” Covered Deck Addition and a 12’ x 37’-8” Car Port Addition to the existing Single-Family Dwelling on property located at 44 Palmer Pond Road, identified by Tax Map Parcel Number 85.-1-35, in Zoning District Rural Use (the “Project”) and have applied to the Town of Chester Zoning Board of Appeals (“ZBA”) for a 64 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 #537-V on August 22, 2023 and closed the public hearing on August 22, 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.
2. The benefit sought by the applicant cannot be achieved by some method feasible for the applicant to pursue, other than area variances. The addition will stay in line with the front of the existing single-family dwelling.

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. There will be no clearing of trees, as noted in the Application.
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 Victor Greco  
Duly adopted this 22<sup>nd</sup> day of August, 2023 by the following vote:

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

**Old Business:**

None.

**Minutes:**

On amotion by Victor Greco, seconded by James Batsford, the minutes from Regular Meeting on July 25, 2023 were accepted.

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**Correspondence:**

- Zoning Administrator's Activity Report for July 2023.

**Public Privilege:**

None.

**Board Privilege:**

Victor Greco said he will not be able to attend the September meeting. Chairperson Kearney commented that if anyone else is going to be absent please let Jeremy (Zoning Administrator) know.

The Board expressed their condolences to Michael Hough for his loss.

**Adjournment:**

On a motion by Mary Clark, seconded by James Batsford, meeting adjourned at 7:10 pm.

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Respectfully submitted,

Mindy Conway  
Acting Secretary