

ZONING BOARD OF APPEALS ~ TOWN OF CHESTER

MINUTES OF AUGUST 24, 2010

ATTENDANCE: Arnold Jensen, John MacMillen, Bill Oliver, John Grady, Mary Jane Dower, and Secretary, Pat Smith. Absent was Ken Marcheselli.

MINUTES: On a motion by Mr. Jensen, seconded by Mr. Oliver, the Minutes of July 27th were accepted, as presented. Motion carried 3/0.* (*2 of the attending members had not been present at the July meeting, and were therefore, unable to vote).

CORRESPONDENCE: ZBA Minutes of 7/27/10; Planning Board Minutes of 7/19/10; and APA review of Independent Towers' Variance Project determination.

PUBLIC HEARINGS: Having been duly advertised, Acting Chairman Grady opened the public hearings at 6:01 p.m.

#394-V ~ Frank & Yvonne Doberman ~ Sideline Setback. Applicant explained that they were seeking relief from a 15 ft. sideline setback, required according to Sect. 4.03 of the Town of Chester Zoning Local Law, in order to construct an addition to a single family dwelling. The subject parcel is located on Atateka Drive, tax parcel #120.15-1-23, a Moderate Intensity Land Use Area. Chairman Grady stated that on his personal visit to the site, he found that the addition will affect only one neighbor. The side of the dwelling on which the addition will be constructed is such, that, the terrain and existing vegetation will limit any impact to the immediate neighbor.

The neighbor was in attendance, stating that she and the Doberman's had discussed the project at length, and she had absolutely no problems with it going forward. Her attendance at the meeting was to be sure that everything went well for the Doberman's. There were no other comments. Applicant was looking for a 10 ft. setback, as opposed to the required 15 ft.

With no further comments, the board reviewed the required criteria, and found as follows:

1. The benefit cannot be achieved by other means feasible to the applicant;
2. There will be no undesirable change in the neighborhood character or to nearby properties;
3. The request is not substantial;
4. The request will not have any adverse physical or environmental effects; and
5. The alleged difficulty is not self created.

Following review, Mr. Jensen made a motion to approve #394-V for a 5 ft. sideline

variance in order to construct a small addition to a single family dwelling. Motion was seconded by Mrs. Dower, and carried 5/0.

#393-V ~ James & Julie Hales ~ Sideline setback. Applicant is seeking relief from a 15 ft. sideline setback, required according to Sect. 4.03 of the Zoning Local Law, in order to construct a garage on property located at 107 Jones Road, Tax parcel #86.10-1-10, a Moderate Intensity Land Use Area. Applicant is owner of two lots, intersected by Jones Road, and desires to erect a garage to go with the house located across the road at 108 Jones Road. Applicant resides in Utah, and his brother John was in attendance to answer any questions for the board.

Chairman Grady stated that on a personal visit, he was unable to locate any stakes in the ground to indicate the site of the proposed structure. He also had questions on the topography of the parcel which slopes off on the road, and questioned the proposed sanitary facilities for the garage. He felt that more information might be needed before any formal action could be taken, but was willing to listen to Mr. Hales comments.

Mr. Hales explained that he lived next door to his brother's property. Both brothers had obtained engineered variances for their proposed septic systems from the Town Board acting as the local board of health. He explained that there was on his brother's property, an old camp that was slated for demolition, and a new dwelling would be built in its' stead. The parcel for this dwelling was across the road from the parcel that the garage would be on, which measures 50' x 250' and has wetlands in the rear of it, with a road running behind it also. The garage would be a story and 1/2 to two stories in height, 24 foot wide building, with overhead storage. It would be very much like John Hale's new garage, but might be a little bit longer in length. The issue at stake here was the sideline setback, for which Mr. Jim Hales was seeking relief.

Lengthy discussion ensued regarding length of the structure, height, etc., as well as the proposal for a toilet facility in the garage. There were concerns over using the upstairs of the garage as an additional bedroom, due to the fact that a toilet facility would be in the structure. Applicant felt that due to the location of the garage in proximity to the house, the bathroom would be a convenience when working in the garage.

After awhile, Mr. Hales called his brother in Utah to obtain answers to the questions that the board had raised. The public hearing was tabled until his return.

During Mr. Hales absence, discussion took place regarding a joint meeting for a public hearing on the Verizon Towers project. Wednesday, September 22nd at 6:00 p.m. was agreed upon and a notice will be sent to the paper, and to the adjoiners.

At this time, Mr. Hales returned and the public hearing was continued for application #393-V.

Mr. Hales had spoken with his brother James by phone. Mr. James Hales had stated that he had no problem with the "non-living quarters", as he had expected that. The length will not exceed 40 feet, but will probably be closer to 32 feet. The height would be close to Mr. John Hales, but James is looking for a higher knee wall of 4 feet, so that

his roof slope would not be so severe. Mr. MacMillen quickly figured an estimated height, using the 4 foot knee wall, 8 foot walls, 1 foot for the floor joists, and a 12/12 pitch on the roof, finding that at the maximum, the building would be 26 feet in overall height, having the slab 1 foot above grade. Having just a toilet and sink for the bathroom facility is also acceptable to the applicant.

Following this discussion, the public hearing was closed at 7:15 p.m. The stipulations were agreed upon, and then the summary of area variance criteria was reviewed. The board finds as follows:

1. The benefit cannot be achieved by other means feasible to the applicant without narrowing the garage width which then becomes detrimental to the intended use;
2. There will be no undesirable change in the neighborhood character or to nearby properties;
3. The request is not substantial;
4. The request will have no adverse physical or environmental effects; and
5. The alleged difficulty is not self-created.

Following this review, motion was made by Mr. Jensen to approve application #393-V for a 3 ½ foot variance for each side of the lot, as requested, with the following stipulations:

1. There will be no living quarters within the structure;
2. The proposed sanitary facilities will be limited to one toilet and one sink;
3. The total height of the structure will not exceed 26 feet; and
4. The length of the structure is not to exceed 40 feet.

Motion was seconded by Mr. MacMillen, and carried 5/0.

With no further discussion, motion was made by Mrs. Dower, seconded by Mr. MacMillen, to adjourn the meeting. Meeting adjourned at 7:20 p.m.

Respectfully submitted,

Patricia M. Smith ~ Secretary