

ZONING BOARD OF APPEALS ~ TOWN OF CHESTER

MINUTES OF MEETING ~ FEBRUARY 28, 2012

ATTENDANCE: Ken Marcheselli (Chairman), Arnold Jensen, Bill Oliver, John Grady, Mary Jane Dower, John MacMillen, John Wolfe (Zoning Clerk), and Walt Tennyson (Zoning Administrator).

CORRESPONDENCE: Letter from Mr. Williams' neighbors, Bonnie and James Hughes, 9 Theriot Ave, supporting the Williams proposal.

MINUTES: On a motion by Mr. Little, seconded by Mr. Jensen, the Minutes of the January 24th, 2011 meeting were accepted, as presented. Motion was carried 6/0.

Mr. Marcheselli called the meeting to order at 6:03 p.m.

OFFICIAL BUSINESS:

After a brief discussion the Board voted to change the official meeting time of the Zoning Board of Appeals (ZBA) from 6:00 pm to 7:00 pm. The ZBA will continue to meet on the fourth Tuesday of every month. The time change was subsequently posted at the Chester Municipal Center and advertised in the Post Star.

OLD BUSINESS:

1. #406-V ~ Proposal by Robert Williams requesting an Additional 3' - 6" sideline setback from the existing 12' setback, according to Section 4.03 of the Town of Chester Zoning Law, to accommodate the addition of a side stairwell and landing that would provide a new entrance to the 2nd Floor of his garage, located at 18 Theriot Ave. The property is zoned as a Hamlet (Tax Map Parcel #104.10-5-7).

BACKGROUND NOTE: *At the previous ZBA Meeting, which was held approximately one month earlier, on January 24, 2012, Mr. Brian Bedell of Bedell Builders, Inc., appeared before the Board to present the same application. At that meeting, the Board concluded that the application was "confusing," "faulty," and, consequently, invalid -- on two counts:*

1) The application was signed by a representative of Bedell Builders, not the property owner, Mr. Williams;

2) The drawings accompanying the application included a rendering of a garage with the words "Proposed Garage" in the center. Therefore, even though Mr. Williams and Mr. Bedell were seeking a 3.6-foot variance for the construction of an exterior staircase, the Board thought they were deliberating the sideline setbacks for the construction of a new garage that had been erected a year earlier.

For these reasons, the Board unanimously agreed to set aside (or "shelf") Mr. Williams' application until the next meeting on February 28th and told Mr. Bedell to get Mr. Williams' signature on the application and revise the renderings accompanying it.

What follows are the minutes of that meeting.

Once again, Mr. Williams was represented at the meeting by Brian Bedell. Chris Bedell, owner of Bedell Builders, was also present.

Mr. Bedell presented the board with a new application, a revised set of drawings and a notarized form, signed by Mr. Williams, authorizing Bedell Builders, Inc. to act as his agent.

Mr. Marcheselli opened the hearing by asking Mr. Bedell to give the Board an overview of the proposal.

Mr. Bedell told the Board that he was seeking three-and-a-half feet of relief from a 12' setback on Mr. Williams' garage so he could remove the interior staircase and replace it with an exterior staircase and landing. Mr. Bedell explained that there was an office above the garage, and the current interior staircase prevented the owners from parking their car in the garage.

Mr. Marcheselli said that it was obvious that the owner of the property, Mr. Williams, did not occupy the home on a regular basis because his primary residence was in Overland, Kansas. Mr. Bedell said that the house was a seasonal residence, and that the Williams family occupied the house from "roughly April to October."

Mr. Marcheselli asked if the home was currently occupied. Mr. Bedell said it was not.

"So it's not rented out?" asked Mr. Marcheselli.

"Why would that make a difference?" asked Walt Tennyson, Zoning Administrator. "Your concern is a variance, not whether someone is living in it. That's all we're here for."

Mr. Marcheselli said that it was a valid question because the owners lived so far away.

Then, Mr. Marcheselli read a letter of support from Bonnie and James Hughes, who live on 9 Theriot Ave.

Mr. MacMillen said that he thought the exterior staircase represented a "better and safer plan" compared to the original plan. "If there's a fire downstairs in the garage, and you're up in the office, the only way out for people upstairs is to go through the burning garage," said Mr. MacMillen. "Sometimes changes are made to make a project better, and I don't see why we wouldn't approve this."

The Board went on to debate several ancillary issues (Warren County's position on the project; the "premature" inclusion of a second-story door to the garage before a variance for a staircase was granted; and enforcing rental ordinances).

However, the Board agreed that – although they didn't approve of the manner in which the Williams application was originally submitted and presented – the project was "fairly minor" and didn't warrant further discussion.

Mr. MacMillen brought a motion to approve the Williams Variance Application (406V). The motion was seconded by Mrs. Dower and carried, 6-0.

Mrs. Dower brought a motion to close the Public Hearing at 7:46 p.m. The motion was seconded by Mr. Grady and carried, 6-0

ADJOURNMENT: On a motion by Mr. Jensen, seconded by Mr. Oliver, the meeting adjourned at 7:48.

Following the official business of the Board, Mr. Grady presented a reform proposal to change the guidelines the town uses to determine frontline setbacks.

Respectfully submitted,

John C. Wolfe ~ Zoning Clerk