



**MINUTES OF MEETING
ZONING BOARD OF APPEALS
TOWN OF CHESTER
March 26, 2019**

The meeting was called to order by Chairman MacMillen at 7:01pm

ATTENDANCE:

Chairperson John MacMillen, Christine Hayes, Barbara Kearney, Michael Hough, and Arnold Jensen, Mary Clark (Alternate), and Jeremy J. Little (Zoning Administrator).

OLD BUSINESS:

#448-V: CK Franchise Mgmt. Corp. (Kevin Wickert) is requesting an area variance for a 10 ft. extension attached to an existing dock that currently extends 40 ft. offshore where 40 ft. is required, according to Section 7.03(B)(4) of the Town of Chester Zoning Local Law. Property is located at 9 Woodside Ln., identified by Tax Map Parcel # 86.15-1-41, in Zone Classification Moderate Intensity.

Chairman MacMillen read the Variance Information to the Board. This Variance would be tabled until the April 2019 Meeting of the Zoning Board of Appeals.

#449-V: James M. Crandall is requesting a 20 ft. backline setback variance and 2.5 ft. right sideline setback variance, according to Section 4.03 of the Town of Chester Zoning Local Law, in order to construct a 16' x 16' storage shed. Property is located at 64 Clarkson Rd., identified by Tax Map Parcel #: 86.19-1-51, in Zone Classification Moderate Intensity.

Chairman MacMillen read the Variance Information to the Board. The Variance would be tabled until the applicant returns to a Meeting of the Zoning Board of Appeals.

#453-V: Jeanne M. Hawkey and Robert G. Treiling are requesting a 96.5 ft. frontline setback variance and 70 ft. backline setback variance, according to Section 4.03 of the Town of Chester Zoning Local Law, in order to construct an addition to existing camp with roof extension and enclosure of existing deck. Property is located at 36 Pines Lakeside Rd., identified by Tax Map Parcel # 136.7-1-22, in Zone Classification Rural Use.

Chairman MacMillen read the Variance Information to the Board. Homeowner Jeanne Hawkey presented to the Board regarding the variance application. A discussion took place regarding the variance application and actions that had been taken at past meetings in regards to this application. A question was posed by Michael Hough in regards to the applicants completing a survey when the work was completed. Jeanne Hawkey stated that they did not plan on getting a completed survey. Chairman MacMillen read the minutes from the February 26, 2019 Meeting in regards to the needs of a survey. Jeanne Hawkey stated that she never received a copy of the February Meeting Minutes and was not informed of a need for a survey or an additional variance. Zoning Administrator Little stated that the minutes were available to the applicants to view online. Chairman MacMillen

explained how the process will work if the variance is approved and for the need for an as built survey.

Having been duly advertised, Chairman MacMillen opened the Public Hearing at 7:14pm.

No comments were made during the Public Hearing.

A motion was made to close the Public Hearing by Chairman John MacMillen. The Public Hearing was closed at 7:15pm.

The Board Reviewed the Criteria for a Variance for the Application-

- 1.) There was no undesirable change would be produced in character of the neighborhood or a detriment to nearby properties.
- 2.) There is no feasible alternative to the variance that can provide a benefit if sought by the applicant.
- 3.) The requested variance is substantial.
- 4.) The variance would not have an adverse impact on the physical or environmental conditions in the neighborhood.
- 5.) The Board agreed that the alleged difficulty is self-created due to Kingsley Lane Extension being built after the house had already been built.

All Board members present agreed on the above Criteria for a Variance in regards to #453-V.

Chairman MacMillen read a correspondence from the Warren County Zoning & Planning Department in regards to the variance stating that they have found that there will be no county or municipal impact with this variance.

A motion was made by Michael Hough, Seconded by Christine Hayes to approve # 453-V for Jeanne M. Hawkey and Robert G. Trelling who are requesting a 96.5 ft. frontline setback variance, a 19 ft. sideline setback variance, and 70 ft. backline setback variance, according to Section 4.03 of the Town of Chester Zoning Local Law, in order to construct an addition to existing camp with roof extension and enclosure of existing deck. Property is located at 36 Pines Lakeside Rd., identified by Tax Map Parcel # 136.7-1-22, in Zone Classification Rural Use. As a condition of approval the applicants must get a survey only of the property's backline to be done post-construction before receiving a Certificate of Occupancy from the Town. With all members in favor, non-opposed, the motion was carried 5-0.

NEW BUSINESS:

#457-V: Stewart's Shops Corp. is requesting multiple sign variances, according to Section 7.04: Signs of the Town of Chester Zoning Local Law, in order to erect three (3) business signs for a new Stewart's Shops convenience store. Property is located at 6151 State Route, identified by Tax Map Parcel #s 87.20-1-1, 87.20-1-7, 87.20-1-8, in Zone Classification Hamlet.

Chairman MacMillen read the Variance Information to the Board. Ryan Rubado from Stewarts Shops was present at the meeting and presented to the Board regarding the variance application on behalf of Stewart's Shops. Christine Hayes asked if the proposed sign was larger than the sign that is there currently. Mr. Rubado responded that the sign is their standard sign. Arnold Jensen asked if the sign on the building was the same size as the current sign. Mr. Rubado responded that the exterior mounted sign is the same size. Chairman MacMillen asked if they were requesting nine different variances. Mr. Rubado responded that he was not sure why they needed additional variances when one variance supersedes another. Chairman MacMillen stated that he trusts Zoning Administrator Little's interpretation. Zoning Administrator Little stated that the needs for the variances comes from different Sub Sections of the Zoning Local Law.

Having been duly advertised, Chairman MacMillen opened the Public Hearing at 7:27pm.

No comments were made during the Public Hearing.

A motion was made to close the Public Hearing by Christine Hayes, Seconded by Arnold Jensen. With all members in favor, non-opposed, the motion was carried. The Public Hearing was closed at 7:28pm.

Chairman MacMillen read a correspondence received from the Warren County Zoning & Planning Department stating that there is no county or municipal impact by this variance.

The Board Reviewed the Criteria for a Variance for the Application-

- 1.) There was no undesirable change would be produced in character of the neighborhood or a detriment to nearby properties. The Board did receive a letter from the neighbor stating that they were in favor of the project and have not received any letters in opposition.
- 2.) There is no feasible alternative to the variance that can provide a benefit if sought by the applicant.
- 3.) The requested variance is not substantial.
- 4.) The variance would not have an adverse impact on the physical or environmental conditions in the neighborhood.
- 5.) The Board agreed that the alleged difficulty is self-created.

All Board members present agreed on the above Criteria for a Variance in regards to #457-V.

A motion was made by Arnold Jensen, Seconded by Michael Hough to approve #457-V all nine variance requested as stated in letter from the Town of Chester Planning & Zoning Office dated March 6, 2019 in regards to the Stewart's Shop located at 6151 State Route 8. With all members in favor, non-opposed, the motion was carried 5-0.

A Preliminary Discussion took place regarding the Hill Park Dock Proposal, presented by Bob DeLuke and Greg Taylor. A discussion took place with the Board members present and the presenters in regards to their project to create individual docks for their future homeowners association. The Board members present stated that they believe this is a good plan, however, let the presenters know that they cannot approve this at this meeting without an application for a variance, and assured them that they also will need to form their association prior to approval or receive support from all members of the association with rights to the waterfront. The Board members present said they will need to see an association with standing prior to granting approval; however, will consult with the Town Attorney to see options if the association is not formed by the time of application. Property Owner Dan Knapik stated that he believes almost all property owners are in favor of this proposal. Barbara Kearney asked if all property owners have deeded dock rights in which Bob DeLuke responded that they do, with one property owner having docking for two vessels. Chairman MacMillen stated that they should bring back their official application to the next meeting of the Board. The Board thanked the property owners for presenting and attending the meeting this evening.

MINUTES:

A motion was made by Christine Hayes, Seconded by Barbara Kearney to approve the February 26, 2019 Minutes of the Zoning Board of Appeals. All Board members present in favor, non-opposed, the motion was carried 5-0.

CORRESPONDENCES:

The Zoning Board of Appeals received the following Correspondences-

- Zoning Administrator's Activity Reports for February 2019
- Traveltown, Inc. RE: Stewart's Shops Variance Application (#457-V)
- Thomas & Susan Silva RE: #448-V

PUBLIC PRIVILEGE:

No Comments were made during Public Privilege.

BOARD PRIVILEGE:

There was no business conducted during Board Privilege.

ADJOURNMENT:

A motion was made by Arnold Jensen, Seconded by Barbara Kearney to adjourn the meeting at 8:19pm. All Board members present in favor, non-opposed, the motion was carried 5-0.

Respectfully submitted,

Jack D. Bartlett
Secretary
Zoning Board of Appeals