



**MINUTES OF MEETING
ZONING BOARD OF APPEALS
TOWN OF CHESTER
APRIL 26, 2016**

The meeting was called to order by Mary Jane Dower at 7:03 p.m.

ATTENDANCE:

Acting Chairperson Mary Jane Dower, Bill Oliver, John MacMillen, Tom Thorsen and Bob Walp (alternate). Also in attendance (audience) was Steven Alheim from Eric & Eric Construction (representing the Berlin's), Nancie Welch and Rand Fosdick. Justin Grassi (lawyer for Town of Chester from Miller, Mannix, Schachner & Hafner, LLC) was also in attendance.

PUBLIC HEARING:

#426-V – Arnold and Nancy Berlin are requesting a 27 ft. frontline setback variance, according to Section 4.03 of the Town of Chester Zoning Local Law, in order to construct a two-car garage. Property is located at 14 Loon Lake Heights Rd. Ext., identified by Tax Map Parcel #: 86.10-1-38, in Zone Classification Moderate Intensity.

Steve Alheim stepped up to speak about Berlin's request. Bill Oliver asked if front door faces garage site. Yes, it does. He believes only a 20ft sideline variance needed. The APA settlement agreement should be followed but have until December to complete APA conditions (culvert not yet installed). The batter board is the back of the garage which was a requirement for excavation.

John MacMillen asked if it could be moved back further. But ledge is present and would have to blast to do so. They did get quote for blasting as well per Steve Alheim.

John MacMillen excused himself because he looked at job for personal business.

Grassi said it can be approved contingent upon APA conditions are met. Must make sure the 5 criteria are considered.

Mary Jane read letter from Warren County Planning Board which states "Proposed reduced front setback for construction of accessory garage building is a local zoning issue and will not impact county resources."

7:14pm-Motion made by Bill Oliver to classify this project (Application # 426-V) as a Type II action which does not require further review under SEQRA and to declare a negative declaration due to the project having no significant impact on the environment.

Seconded by Tom Thorsen. All in favor. 4-0.

7:15pm- Motion made to close hearing by Tom Thorsen. Seconded by Bill Oliver. All in favor. 4-0.

Area Variance Criteria-

1. Can benefit be achieved by other means? No.
2. Is it a detriment to nearby properties or an undesirable change in neighborhood? No.
3. Is the request substantial? Yes. Due to configuration of lot it's the only place for garage.
4. Physical or environmental effects to neighborhood? No.
5. Is difficulty self-created? Yes because they want the garage but constrictions on property limit the placement of garage.

7:18 pm-Motion made by Tom Thorsen to approve application # 426-V dependent upon the APA conditions being met.

Seconded by Bill Oliver. All in favor. 4-0.

#427-V – The North Warren Chamber of Commerce is applying for a use variance, according to Section 4.03 of the Town of Chester Zoning Local Law, in order to erect an illuminated sign to display community events. Property is located at 3-23 Dynamite Hill Rd., identified by Tax Map Parcel #: 87.1-5, in Zone Classification Moderate Intensity.

Fred Holman representing Chamber.

Mary Jane states that board is changing this request from a use variance to an area variance.

Justin Grassi stated that this is a gray area between use and area variance but because of the underlying principal use is not prohibited and they are not changing that use but the physical property itself so it should be considered an area variance.

Fred Holman unsure how to proceed now with this change in variance. He states they are trying let visitors and seasonal visitors aware of community events as well as locals. Due to power poles/wires etc.. we had to choose this location. We sit back and are higher than the road and have to deal with the vegetation. Must have illuminated sign to be seen was their only choice. He's not sure what variance is needed now.

Bob Walp says sign is already there why is he here? John Mac Millen stated Fred is here for 3rd variance. There is discrepancy in sign ordinances it's hard to decipher what was needed. Hence him having to come 3 times for various variances.

Mary Jane Dower read a letter from Warren County Planning Board which states "The intended use of the property for public purposes is consistent with the town plan and the proposed lighting configuration is essential for use identification on NYS Rte 8."

Zoning Board is in process of reviewing and updating local Zoning.

7:22pm-Bill Oliver made motion to classify this project (Application # 427-V) as a Type II action which does not require further review under SEQRA and to declare a negative declaration due to the project having no significant impact on the environment.

Seconded by John MacMillen. All in favor. 5-0.

Fred Holman asked if this must be presented to APA again? Mary Jane Dower said No. But all variances have to be sent to APA anyway. Does he have to reapply with proper paperwork? Has approval for sign but not illumination from APA. John MacMillen suggests he fills out proper paperwork and send it in just to be safe. APA will have a 30 day window to review.

7:25pm-Motion made by Tom Thorsen to close hearing. Seconded by Bill Oliver. All in favor. 5-0.

Area Variance Criteria-

1. Can benefit be achieved by other means? No.
2. Is it a detriment to nearby properties or an undesirable change in neighborhood? No.
3. Is the request substantial? No.
4. Physical or environmental effects to neighborhood? No.
5. Is difficulty self-created? Yes.

7:28pm-Motion made by John MacMillen to approve application 427-V in order to erect Chamber sign for community events. Seconded by Tom Thorsen. All in favor. 5-0.

Fred Holman said his original paperwork said “illuminated” sign for APA. But because he has no variance for illumination only the sign itself he should reapply with correct paperwork.

CORRESPONDENCE: None.

NEW BUSINESS: None.

OLD BUSINESS: None.

MINUTES:

7:32pm-John MacMillen makes motion to accept minutes from meeting on March 22, 2016. Seconded by Bob Walp. All in favor. 5-0.

PUBLIC PRIVILEGE: None.

BOARD PRIVILEGE: None.

ADJOURNMENT:

7:33pm-Motion made by Tom Thorsen to adjourn meeting. Seconded by Bill Oliver. All in favor. 5-0.

Respectfully submitted,

Brandi Bessette
Secretary
Zoning Board of Appeals