



**MINUTES OF MEETING
TOWN OF CHESTER ZONING BOARD OF APPEALS
Regular Meeting
April 27, 2022**

Chairwoman Barbara Kearney called the meeting to order at 7:01pm.

ATTENDANCE:

A Roll Call Attendance was called by Secretary Bartlett-

Chairwoman Barbara Kearney- Present
Vice-Chairman Michael Hough- Present
Jim Batsford- Present
Victor Greco- Present
Mary Clark- Present
Brian Bilfield (Alternate)- Present
Jack Bartlett (Board Secretary)- Present via Zoom
Jeremy Little (Zoning Administrator)- Present via Zoom

Chairwoman Kearney welcomed everyone to the meeting and reminded the public of the rules of the Board and that everyone would have a chance to be heard during the public sections of the meetings.

OLD BUSINESS AND PUBLIC HEARINGS:

#498-V: C. Thomas Luciano and Darlene Luciano are (1) requesting multiple setback variances for construction of structures on proposed Lot 1 and Lot 2 and (2) seeking relief from the 8.5 acres per Principal Building Intensity requirement for a proposed two-lot subdivision, according to Section 4.03 and Section 7.01(B)(4) of the Town of Chester Zoning Local Law. The proposed two-lot subdivision will result in the creation of Lot 1 consisting of 4.56 acres and Lot 2 consisting of 6.31 acres. Property is located at Carl Turner Road currently consisting of 10.87 acres, identified by Tax Map Parcel #: 87.2-1-1.1, in Zoning District Rural Use.

Not Present.

#509-V: Word of Life Fellowship, Inc. are requesting multiple area variances from requirements of Section 7.04 of the Town of Chester Zoning Local Law, in order to install

a 53.16 square ft. internally illuminated free-standing monument sign to include a digital display to notify motorists of community events and important information for students. Property is located at 8072 State Route 9, identified by Tax Map Parcel #: 36.-1-20, in Zoning District Hamlet. ****PUBLIC HEARING** remained opened from 12/28/2021 ZBA Meeting.**

Not Present.

NEW BUSINESS:

Amendment request to the following Variance Application #506-V to revise the size of the single-family dwelling approved by the Zoning Board of Appeals on October 26, 2021:

- **#506-V:** Eric Schenone is requesting a 167.5 ft. front yard setback variance, 65.2 ft. left side yard setback variance, 23.1 ft right side yard setback variance, and a variance for 5.3% proposed lot coverage where 5% is maximum lot coverage allowed, according to Section 4.03 of the Town of Chester Zoning Local Law, in order to construct a 34'-0" x 45'-7" Three-Bedroom Single Family Dwelling with an attached rear porch and 12' x 12' screened porch, on-site septic wastewater treatment system, and water supply well. Single Family Dwelling will have a maximum of 2' overhangs on all sides. Property is located at Byrd Pond Road, identified by Tax Map Parcel #: 66.7-1-6.2, in Zoning District Resource Management.
 - **Requested Amendment:** Proposed construction of a one-story 28' x 54' Three-Bedroom Single-Family Dwelling with an attached front and rear deck. Proposed single-family dwelling will not include the attached rear porch and 12' x 12' screened porch (as approved on 10/26/2021). The single-family dwelling, including deck additions, will be constructed within the building envelope with no change to the approved setbacks.

Eric Schenone was present at the meeting. He stated that the house plans had been modified for the site and the plans for the walkout basement have changed. The house will now become more elongated; however, it will still remain a single family residence.

Michael Hough asked if any of the variances were changing. The Applicant stated they were not.

A motion was made by Jim Batsford, Seconded by Victor Greco to approve the Amendment to Variance Application #506-V. A Roll Call Vote was called by Secretary Bartlett-

AYES: Kearney, Hough, Clark, Greco, Batsford
NAYES: NONE
ABSTAIN: NONE

ABSENT: NONE

The motion was carried 5-0.

NEW BUSINESS AND PUBLIC HEARINGS:

#511-V: Kiera Mosher and Paul Ansbro are requesting a 29 ft. right side yard setback variance, 53 ft. front yard setback variance, 54 ft. left side yard setback variance, and a variance for 14.97% proposed lot coverage (14.53% existing) where 5% is maximum lot coverage allowed, according to Section 4.03 of the Town of Chester Zoning Local Law, in order to construct a 12' x 14' screened porch addition to an existing single-family dwelling. Property is located at 66 Bonnie Belle Farm Rd., identified by Tax Map Parcel #: 68.20-1-4, in Zoning District Resource Management.

Kiera Mosher and Paul Ansbro were present at the meeting. They are looking to construct a screened-in porch to their existing residence. Chairwoman Kearney asked how the Applicants came up with the 14.97% proposed lot coverage on the plans. The Applicant stated that they would need to speak with their contractor. Chairwoman Kearney stated that the Applicant would need a revised Plot Plan with the application to include the existing decks.

Having been duly advertised, Chairwoman Kearney opened the Public Hearing at 7:14pm.

A discussion took place between the Board Members present, the Applicants, and Zoning Administrator Little regarding the percentage of lot coverage. It was determined that there is 5,881.6 sq. ft. of existing lot coverage and 6,049.60 sq. ft. of proposed lot coverage. This would equal 15.78% of proposed lot coverage.

A motion was made to close the Public Hearing at 7:30pm by Mary Clark, Seconded by Michael Hough. A Roll Call Vote was called by Secretary Bartlett-

AYES: Kearney, Hough, Clark, Greco, Batsford

NAYES: NONE

ABSTAIN: NONE

ABSENT: NONE

The motion was carried 5-0

Resolution # 511-V was introduced by Jim Batsford and seconded by Michael Hough-

**TOWN OF CHESTER
ZONING BOARD OF APPEALS**

RESOLUTION FOR VARIANCE APPLICATION #511-V

WHEREAS, Kiera Mosher and Paul Ansbro the “Applicant(s)” are proposing to construct a 12’ x 14’ screened porch addition to an existing single-family dwelling on property located at 66 Bonnie Belle Road, identified by Tax Map Parcel Number 68.20-1-4, in Zoning District Resource Management (the “Project”) and have applied to the Town of Chester Zoning Board of Appeals (“ZBA”) for a 29 ft. right side yard setback variance, 53 ft. front yard setback variance, 54 ft. left side yard setback variance, and variance for 15.78% proposed lot coverage (15.34% existing lot coverage) where 5% is maximum lot coverage allowed 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 SEQR; and,

WHEREAS, the ZBA opened and held a properly-noticed Public Hearing on Variance Application #511-V on April 27, 2022 and closed the public hearing on April 27, 2022; and,

WHEREAS, the ZBA has reviewed, considered and deliberated about the variances 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. It is a small lot and the neighborhood will not be impacted by the project, as the addition will not be visible from the road or neighboring 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 attached screened porch will be constructed in the middle of the lot.
3. The requested area variances are substantial. There is not much that you can construct on the lot without variances, due to the small size of the lot.
4. The proposed variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

5. The alleged difficulty is self-created.
6. The proposed variances are 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 variances are 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 variances subject to the following conditions:

- A. A revised plot plan is to be submitted to the Planning and Zoning Office showing the existing decks; and,
- B. The applicable pages in the Applications/Forms for the project where existing and proposed lot coverage calculations are listed are to be revised and submitted to the Planning and Zoning Office.

Duly adopted this 27th day of April, 2022 by the following vote:

AYES: Chairperson Barbara Kearney
 Michael Hough
 Mary Clark
 James Batsford
 Victor Greco

NOES: None.

ABSTAIN: None.

ABSENT: None.

#512-V: David and Monica Herrington are requesting a 35 ft. front yard setback variance and a 17 ft. rear yard setback variance, according to Section 4.03 of the Town of Chester Zoning Local Law, in order to demolish a 6' x 4' deck and 8' x 5' gable roof and construct a 13'-4" x 6' deck and 16' x 7' shed roof to an existing single-family dwelling. Property is

located at 484 Rock Ave, Chestertown, NY, 12817, identified by Tax Map Parcel #: 122.-1-32, in Zoning District Rural Use.

Andrew Carpenter, the Applicant's Agent, was present at the meeting and explained the Applicant's request for a variance.

Having been duly advertised, Chairwoman Kearney opened the Public Hearing at 7:40pm.

No comments were made during the Public Hearing.

A motion was made by Michael Hough, Seconded by Jim Batsford to close the Public Hearing at 7:41pm. A Roll Call Vote was called by Secretary Bartlett-

AYES: Kearney, Hough, Clark, Greco, Batsford

NAYES: NONE

ABSTAIN: NONE

ABSENT: NONE

The motion was carried 5-0.

Resolution #512-V was introduced by Victor Greco and seconded by Jim Batsford-

**TOWN OF CHESTER
ZONING BOARD OF APPEALS**

RESOLUTION FOR VARIANCE APPLICATION #512-V

WHEREAS, David and Monica Herrington (the "Applicant(s)") are proposing to demolish a 6' x 4' deck and 8' x 5' gable roof and construct a 13'-4" x 6' deck and 16' x 7' shed roof to an existing single-family dwelling on property located at 484 Rock Ave, Chestertown, NY 12817, identified by Tax Map Parcel Number 122.-1-32, in Zoning District Rural Use (the "Project") and have applied to the Town of Chester Zoning Board of Appeals ("ZBA") for a 35 ft. front yard setback variance and a 17 ft. rear 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 SEQRA; and,

WHEREAS, the ZBA opened and held a properly-noticed Public Hearing on Variance Application #512-V on April 27, 2022 and closed the public hearing on April 27, 2022; and,

WHEREAS, the ZBA has reviewed, considered and deliberated about the variances 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. There will be no negative impacts of the project on the neighborhood.
2. The benefit sought by the applicant cannot be achieved by some method feasible for the applicant to pursue, other than area variances. Due to the size of the lot and the relatively close distance to the road, there are no alternatives.
3. The requested area variances are substantial. The existing lot is non-conforming with a front setback requirement of 100 ft. and rear setback requirement of 75 ft.
4. The proposed variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Several of the existing dwellings in the neighborhood are relatively close to the road.
5. The alleged difficulty is self-created.
6. The proposed variances are 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 variances are 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 variances with no condition(s) imposed.

Duly adopted this 27th day of April, 2022 by the following vote:

AYES: Chairperson Barbara Kearney
 Michael Hough
 Mary Clark
 James Batsford
 Victor Greco

NOES: None.

ABSTAIN: None.

#513-V: Steven M. and Rosemary A. Matthews are requesting an 8.2 ft. front yard setback variance, according to Section 4.03 of the Town of Chester Zoning Local Law, in order to construct an 8' x 11' front door awning to an existing structure to be renovated to a four-bedroom single-family dwelling. Property is located at 17 Bonnie Belle Farm Road, identified by Tax Map Parcel #: 85.8-2-5, in Zoning District Moderate Intensity.

Steven Matthews was present at the meeting and explained his request for a variance. Chairwoman Kearney stated that the Homeowners Association submitted a letter of approval. A referral has been received from the Warren County Planning Department.

Having been duly advertised, Chairwoman Kearney opened the Public Hearing at 7:54pm.

No comments were made during the Public Hearing

A motion was made by Michael Hough, Seconded by Mary Clark to close the Public Hearing at 7:55pm. A Roll Call Vote was called by Secretary Bartlett-

AYES: Kearney, Hough, Clark, Greco, Batsford
NAYES: NONE
ABSTAIN: NONE
ABSENT: NONE

The motion was carried 5-0.

Resolution #513-V was introduced by Michael Hough, Seconded by Mary Clark-

**TOWN OF CHESTER
ZONING BOARD OF APPEALS**

RESOLUTION FOR VARIANCE APPLICATION #513-V

WHEREAS, Steven M. and Rosemary A. Matthews (the “Applicants”) are proposing to construct an 8’ x 11’ front door awning to an existing structure to be renovated to a four-bedroom single-family dwelling on property located at 17 Bonnie Belle Farm Road, identified by Tax Map Parcel Number 85.8-2-5, in Zoning District Moderate Intensity (the “Project”) and have applied to the Town of Chester Zoning Board of Appeals (“ZBA”) for an 8.2 ft front yard setback variance (51.8 ft proposed, 60 ft. required) 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 SEQR; and,

WHEREAS, as required by General Municipal Law Section 239-m, the Variance Application was referred to the Warren County Planning Department for its review and the County has determined that there was No County Impact; and,

WHEREAS, the ZBA opened and held a properly-noticed Public Hearing on Variance Application #513-V on April 27, 2022 and closed the public hearing on April 27, 2022; 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. The proposed awning is in the middle of the property and will not have a negative impact on 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.
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.
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.

Duly adopted this 27th day of April, 2022 by the following vote:

AYES: Chairperson Barbara Kearney
 Michael Hough
 Mary Clark
 James Batsford
 Victor Greco

NOES: None.

ABSTAIN: None.

MINUTES:

The following updates were made to the March 22, 2022 Minutes of the Planning Board-

1. Update that Michael Hough was present via Zoom
2. Update the Vote on the Minutes & Adjournment

A motion was made by Michael Hough, seconded by Jim Batsford to approve the March 22, 2022 Minutes of the Zoning Board of Appeals. A Roll Call Vote was called by Secretary Bartlett-

AYES: Kearney, Hough, Clark, Greco, Batsford
NAYES: NONE
ABSTAIN: NONE
ABSENT: NONE

The motion was carried 5-0.

CORRESPONDENCE:

- Zoning Administrator's Activity Report for March 2022;
- Warren County Planning Department Project Review and Referral Form, reviewed by Department on April 14, 2022 for #513-V. Form received by the Zoning Office on April 18, 2022.

PUBLIC PRIVILEGE:

None.

BOARD PRIVILEGE:

Amendments to #7 (Page 2) for Resolutions #508-V and #510-V were reviewed and approved by the Board to revise "would not outweigh..." to "would outweigh...".

ADJOURNMENT:

A motion was made by Mary Clark, seconded by Jim Batsford to adjourn the meeting at 8:06pm.

AYES: Kearney, Hough, Clark, Greco, Batsford

NAYES: NONE

ABSTAIN: NONE

ABSENT: NONE

The motion was carried 5-0

Respectfully submitted,

Jack D. Bartlett
Secretary
Zoning Board of Appeals