



**MINUTES OF MEETING
ZONING BOARD OF APPEALS
TOWN OF CHESTER
APRIL 28, 2015**

Due to resignation of Chairperson Marcheselli, Mary Jane Dower, as acting Chairperson, assumed the Chair position and called the meeting to order at 7:00 p.m.

ATTENDANCE:

Chairperson Mary Jane Dower, John Grady, Arnold Jensen, Bill Oliver, Walter J. Tennyson (Zoning Administrator), Jeremy J. Little (Secretary). Absent was John MacMillen.

MINUTES:

On a motion made by Mr. Grady, seconded by Mr. Oliver, the Minutes of the Zoning Board of Appeals meeting held on November 10, 2014 were accepted. None opposed; motion carried 4-0.

CORRESPONDENCE:

Zoning Administrator & Sanitary Code Enforcement Officer's Activity Report for November & December 2014; January, February, & March 2015; June Maxam Letter.

OLD BUSINESS: None.

NEW BUSINESS:

#416-V - Gary Andrews is requesting a 17 ft. frontline setback variance, according to Section 4.03 of the Town of Chester Zoning Local Law, in order to construct a 24' x 24' two-car garage, on property located at 731 Atateka Drive, identified by Tax Map Parcel #: 120.15-1-28, in Zone Classification Moderate Intensity.

Mr. Andrews was present to speak on behalf of the proposal. Mr. Jensen questioned the location of the garage and why Mr. Andrews would like to build it in the proposed location. Mr. Andrews stated in the winter the driveway is steep and if he were to place the garage further down for easier access, it might be located on or near the components of the septic wastewater system.

Mr. Oliver stated he visited the site and the proposed placement of the garage would be consistent with the nearby properties. Mr. Grady agreed with Mr. Oliver's statement.

Mr. Grady made a motion to deem application **#416-V** as complete, refer the application to the Warren County Planning Department, and schedule a public hearing for the next meeting on May 26, 2015 at 7 p.m.; motion seconded by Mr. Jensen. Motion carried 4-0.

#415-V – James Hales is requesting a 2 ft. shoreline (backline) setback variance, according to Section 4.03 of the Town of Chester Zoning Local Law, in order to replace existing dwelling with new dwelling on same footprint, on property located at 108 Jones Road, identified by Tax Map Parcel #: 86.10-1-58, in Zone Classification Moderate Intensity. David Schaefer will present the application in the absence of the property owner.

Mr. Jensen questioned if a variance would be necessary because the request is for 2 ft. He mentioned that the provided plot plan showed the distance from the mean high water mark to the deck to be 48 ft. +/-.

Mr. Schaefer stated the height of the deck would only increase by a maximum of one foot; however, he stated the dwelling would be converted from one-story to two-story. The new dwelling with deck would be constructed on the same footprint; however, he stated 2 ft. of the deck would encroach in the 50' backline (shoreline) setback.

Mr. Oliver questioned if the garage across the road on the parcel (**TM #: 86.10-1-10**) had a toilet facility and Mr. Schaefer was unsure of the answer.

There was discussion between the Board whether the variance is required since it is only for two (2) ft. The Board referred to Shoreline Restrictions of the APA Act (§ 575.3) regarding variances of less than two feet. Mr. Tennyson stated he believed the variance request is required even though the dwelling and deck will be replaced and built on the same footprint.

Mr. Schaefer questioned the Board if there were any issues with submitting a Zoning Certificate (Z.C.) for the replacement of the dwelling and the deck tapered off so as to not encroach within the 50' setback. Mr. Tennyson did not have any concern and stated a Z.C. could be issued as long as the deck was not to be built within the 50' setback area until the necessary 2 ft. variance has been granted for the deck. The Board agreed that if the variance is granted, the existing Z.C. could be modified to include the approved variance.

Mr. Jensen made a motion to deem application **#415-V** as complete, refer the application to the Warren County Planning Department, and schedule a public hearing for the next meeting on May 26, 2015 at 7 p.m.; motion seconded by Mr. Grady. Motion carried 4-0.

#414-V – Douglas Murray is requesting a 36.2 ft. Northerly frontline setback variance, according to Section 4.03 of the Town of Chester Zoning Local Law, in order to construct a 22' x 20' single car garage with 1' overhangs. Property is located at 41 Clarkson Road Extension, identified by Tax Map Parcel #: 86.15-1-25, in Zone Classification Moderate Intensity. Bret Winchip from Winchip Engineering will present the application in the absence of the property owner.

No one was in attendance to present the application. Mr. Jensen and Chairman Dower believed it was practical where the garage is proposed to be placed due to the topography of the lot.

Mr. Jensen made a motion to deem application **#414-V** as complete, refer the application to the Warren County Planning Department, and schedule a public hearing for the next meeting on May 26, 2015 at 7 p.m.; motion seconded by Mr. Oliver. Motion carried 4-0.

PUBLIC PRIVILEGE: None.

BOARD PRIVILEGE:

Chairman Dower mentioned the request by the Town Board to receive recommendation from the ZBA members for appointment of a Chairperson, due to Ken Marcheselli's recent resignation from being Chair. The Town Board will appoint the Chairperson. The Board members that were present recommended to the Town Board to appoint John Grady as the next Chairperson and to re-appoint Bill Oliver from his position as alternate to a regular Board member.

Discussion also ensued about Board member John MacMillen's absence at the ZBA meetings, especially in the last year or so, and Chairman Dower was concerned if Mr. MacMillen still has a desire to serve on the Board.

Chairman Dower mentioned the need to incorporate solar panel regulations in the Zoning Local Law in order to keep up with what is current.

ADJOURNMENT:

Mr. Jensen made a motion to adjourn the meeting at 7:43 p.m.; seconded by Mr. Oliver. None opposed. Motion carried 4-0.

Respectfully submitted,

Jeremy J. Little
Secretary
Zoning Board of Appeals